

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)

Plaintiffs,)

v.) 3:18-cv-01477-JR

NIKE, INC., an Oregon)
corporation,)
Defendant.)

DEPOSITION OF LAUREN ANDERSON

January 21, 2021

Thursday

9:07 A.M.

THE VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF LAUREN ANDERSON was taken at
Portland, Oregon, before Jan R. Duiven, CSR, FCRR,
RPR, CRC, Certified Shorthand Reporter in and for
the State of Oregon.

Page 1

1	applied to a position of golf global digital brand	11:52:31
2	leader in October 2012. Is that the other golf	11:52:35
3	position --	11:52:38
4	A. Yes.	11:52:39
5	Q. -- that you think you applied to?	11:52:40
6	Okay. So you recall interviewing	11:52:42
7	either for the golf global brand integration	11:52:48
8	director position or the golf global digital brand	11:52:51
9	leader position at Nike. Correct?	11:52:54
10	A. Correct.	11:52:56
11	Q. Okay. And you were not hired for	11:52:56
12	those positions. Correct?	11:53:05
13	A. Correct.	11:53:06
14	Q. And let's see. And do you recall also	11:53:07
15	applying for a brand manager Jordan position in	11:53:14
16	October 2012?	11:53:19
17	A. Yes.	11:53:19
18	Q. Okay. Do you recall if anyone from	11:53:20
19	Nike responded to your application for that	11:53:23
20	position?	11:53:26
21	A. I do not believe they did.	11:53:26
22	Q. Okay. And so you were not hired for	11:53:31
23	that position. Correct?	11:53:33
24	A. Correct.	11:53:34
25	Q. Okay. And then you applied for the	11:53:35

1	position of SPARQ, S-P-A-R-Q, process manager?	11:53:39
2	A. Uh-huh.	11:53:46
3	Q. In November 2012. Correct?	11:53:46
4	A. Yes.	11:53:48
5	Q. Okay. And you did get that job.	11:53:49
6	Correct?	11:53:51
7	A. Yes, I did.	11:53:52
8	Q. Okay. Do you recall how you like	11:53:55
9	learned about these openings at Nike that you	11:53:59
10	applied for?	11:54:02
11	A. Generally, I saw them on Nike.com on	11:54:02
12	the HR site. I had -- during my whole job hunt,	11:54:07
13	was networking and meeting people and some of them	11:54:13
14	were at Nike, some of them were outside of Nike,	11:54:19
15	but sometimes I heard about positions word of	11:54:21
16	mouth. But then generally was -- you know, then	11:54:25
17	always you had to apply through the website so	11:54:28
18	then I would go and apply through the website.	11:54:30
19	Q. Okay. So your best recollection is	11:54:32
20	that you applied for the positions we just talked	11:54:37
21	about through the Nike website?	11:54:39
22	A. Yes.	11:54:40
23	Q. Got it. And you mentioned also that	11:54:40
24	you were networking and meeting people. Some of	11:54:58
25	them were outside of Nike. Were you looking at --	11:55:00

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1 Q. And I guess what's the basis for your 13:07:35
2 belief that you were debanded because you're a 13:07:38
3 woman? 13:07:39

4 A. Well, my ratings were never lower than 13:07:40
5 successful, and I was successful -- rated 13:07:43
6 successful -- I've been rated either successful or 13:07:48
7 highly successful. 13:07:50

8 But prior to Danny debanding me, I -- 13:07:52
9 when that happened, I had a conversation with him 13:07:58
10 and I had never, until I walked into the room that 13:08:00
11 day, been given any indication that anything was 13:08:02
12 wrong, that I wasn't performing up to his 13:08:05
13 expectations, or that it was anything other than 13:08:08
14 he didn't like me because I was a woman. There 13:08:12
15 was nothing work -- in my work to indicate -- I 13:08:33
16 mean, I had been given no indication that there 13:08:35
17 were any problems with what I was doing. 13:08:37

18 Q. Okay. Any other reasons why you 13:08:41
19 believe you were debanded because you're a woman? 13:08:44

20 A. It's the only reason. 13:08:48

21 Q. Okay. Any other facts or evidence 13:08:59
22 that you haven't already told me about that 13:09:02
23 support your belief that you were debanded because 13:09:06
24 you're a woman? 13:09:09

25 A. Not that I can think of that I haven't 13:09:10

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1 already said. 13:09:14

2 Q. And -- okay. So for your particular 13:09:18

3 gender discrimination claims against Nike, are 13:09:27

4 they all grounded in your work with [REDACTED]? 13:09:31

5 MR. BLAKE: Objection. Calls for a 13:09:39

6 legal conclusion. 13:09:40

7 A. I -- I think that, yes, that's the 13:09:42

8 best way to state it. 13:09:50

9 MS. ZABELE: Okay. Let's take a 13:09:57

10 break. 13:09:58

11 THE VIDEOGRAPHER: We're now off the 13:10:00

12 record at 1:10 p.m. 13:10:02

13 (Lunch: 1:10 p.m. to 2:34 p.m.) 14:34:34

14 THE VIDEOGRAPHER: We're now back on 14:34:34

15 the record. The time is 2:34 p.m. 14:34:41

16 MS. ZABELE: Thank you. So I'll 14:34:46

17 just note for the record following a conference 14:34:47

18 with counsel, I informed him that I'm unable to 14:34:51

19 continue for the rest of the day due to a personal 14:34:55

20 issue. We are going to pause Ms. Anderson's depo 14:34:57

21 right now and reschedule for a later time that is 14:35:02

22 mutually convenient for the parties, but the depo 14:35:08

23 remains open. We are not closing it. 14:35:11

24 THE REPORTER: And did you still 14:35:16

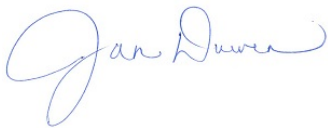
25 want to order this transcript? 14:35:18

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1 CERTIFICATE

2
3
4 I, Jan R. Duiven, CSR, FCRR, CRC,
5 RPR, a Certified Shorthand Reporter for the State
6 of Oregon, do hereby certify that, pursuant to
7 stipulation of counsel for the respective parties
8 hereinbefore set forth, LAUREN ANDERSON appeared
9 virtually before me at the time and place set
10 forth in the caption hereof; that at said time and
11 place I reported in Stenotype all testimony
12 adduced and other oral proceedings had in the
13 foregoing matter; that thereafter my notes were
14 reduced to typewriting under my direction; and
15 that the foregoing transcript, pages 1 to 161,
16 both inclusive, constitutes a full, true, and
17 accurate record of all such testimony adduced and
18 oral proceedings had, and of the whole thereof.

19 Witness my hand at Eugene, Oregon,
20 this 30th day of January, 2021.

21 
22

23 Jan R. Duiven, CSR, FCRR, CRC, RPR

24 CSR No. 96-0327

25 Expiration Date: September 30, 2023

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF OREGON
3 PORTLAND DIVISION
4

5 KELLY CAHILL, SARA JOHNSTON,)
6 LINDSAY ELIZABETH, and HEATHER)
7 HENDER, individually and on)
8 behalf of others similarly)
9 situated,)
10 Plaintiffs,)
11 v.) 3:18-cv-01477-JR
12 NIKE, INC., an Oregon)
13 corporation,)
14 Defendant.)
15

16 DEPOSITION OF LAUREN ANDERSON
17 VOLUME II
18 February 5, 2021
19 Friday
20 9:01 A.M.
21
22

23 THE VIDEOCONFERENCE VIDEO-RECORDED
24 DEPOSITION OF LAUREN ANDERSON was taken at
Portland, Oregon, before Jan R. Duiven, CSR, FCRR,
25 RPR, CRC, Certified Shorthand Reporter in and for
the State of Oregon.

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1 here today, you don't recall whether or not you 09:10:10
2 had a separate conversation with Ms. Petzold from 09:10:12
3 the panel interview? 09:10:17
4 A. I don't recall. It was eight years 09:10:18
5 ago. 09:10:20
6 Q. Okay. What do you recall about 09:10:20
7 discuss or -- strike that. 09:10:25

8 What do you recall discussing in your 09:10:26
9 interviews for the process manager position? 09:10:28
10 A. I don't recall anything specific. I 09:10:32
11 would have talked about the role -- the roles and 09:10:42
12 responsibilities and my qualifications. 09:10:48
13 Q. Okay. Anything else? 09:10:49
14 A. Not that I can recall. 09:10:51

15 Q. And to the best of your recollection, 09:10:53
16 were those interviews in person? 09:10:59

17 A. Yes.

18 Q. Okay. And then --

19 (Reporter inquiry.)

20 THE VIDEOGRAPHER: We're off the 09:11:10
21 record at 9:10 a.m. 09:11:11

22 (Recess.)

23 THE VIDEOGRAPHER: We're back on the 09:13:39
24 record at 9:13 a.m. 09:13:39

25 MS. ZABELE: Thanks. 09:13:43

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1 talking to. 09:17:03

2 Q. Okay. And do you recall if your 09:17:03

3 starting salary -- strike that. 09:17:07

4 Do you recall if you were successful 09:17:10

5 at all in negotiating your starting salary at 09:17:11

6 Nike? 09:17:15

7 A. I don't -- 09:17:21

8 MR. BLAKE: Objection. Vague and 09:17:21

9 ambiguous.

10 THE WITNESS: I don't recall. 09:17:25

11 BY MS. ZABELE: 09:17:26

12 Q. Okay. And did anyone at Nike 09:17:26

13 communicate to you what the \$90,000-a-year salary 09:17:28

14 was based on? 09:17:32

15 A. No. 09:17:33

16 MR. BLAKE: Objection. Vague and 09:17:34

17 ambiguous. Assumes facts not in evidence. 09:17:35

18 THE WITNESS: No. 09:17:39

19 BY MS. ZABELE: 09:17:40

20 Q. Okay. Any reason to believe that the 09:17:40

21 dollar amount was based on your gender at all? 09:17:46

22 MR. BLAKE: Objection. Vague and 09:17:48

23 ambiguous. Assumes facts not in evidence. 09:17:49

24 A. Not that I know of. 09:17:53

25 BY MS. ZABELE: 09:18:03

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1 was based on? 10:02:33

2 MR. BLAKE: Objection. Vague and 10:02:34

3 ambiguous. 10:02:36

4 A. No, they did not. 10:02:36

5 BY MS. ZABELE: 10:02:39

6 Q. Any reason to believe that the 10:02:39

7 \$108,000 annual starting salary in the digital 10:02:43

8 retail brand director role was based on your 10:02:47

9 gender at all? 10:02:50

10 MR. BLAKE: Objection. Vague and 10:02:51

11 ambiguous. 10:02:53

12 A. Not that I know of. 10:02:53

13 BY MS. ZABELE: 10:03:06

14 Q. And when you were in the digital 10:03:06

15 retail brand director role, who did you report to? 10:03:08

16 A. I reported to Paige Azavedo, and then 10:03:11

17 when she was no longer there, I reported to Danny 10:03:18

18 Tawiah. 10:03:37

19 Q. Okay. Did you report to anyone else? 10:03:37

20 A. Not that I recall. 10:03:39

21 Q. What about Kelly Cahill? 10:03:40

22 A. Yes. I reported to Kelly Cahill. 10:03:42

23 Q. Okay. So you said -- let's see. So 10:03:55

24 Paige Azavedo, she's an opt-in plaintiff in this 10:03:59

25 case. Correct? 10:04:02

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1 A. Correct. 10:04:03

2 Q. And I believe you told me you reported 10:04:07

3 to her until she left, which you recalled was 10:04:08

4 sometime in 2015? 10:04:14

5 A. I -- I don't know specifically when 10:04:15

6 she left. 10:04:21

7 Q. Okay. And after Ms. Azavedo left, 10:04:33

8 then you reported to Mr. Tawiah? 10:04:36

9 A. Yes. 10:04:41

10 Q. And for how long did you report to him 10:04:44

11 in the digital retail brand director role? 10:04:47

12 A. I would have reported directly to him 10:04:53

13 until he had me reporting to Kelly Cahill. I 10:04:55

14 believe the reporting to Kelly was at the end of 10:04:58

15 2015. 10:05:00

16 Q. And for how long did you report to 10:05:08

17 Kelly Cahill? 10:05:13

18 A. I would have reported to her until I 10:05:14

19 believe that letter you referenced for March 1st 10:05:24

20 of 2016. 10:05:27

21 Q. Okay. So until the time that you 10:05:29

22 moved into the NA digital manager, field, 10:05:32

23 position? 10:05:36

24 A. Yes. 10:05:37

25 Q. Okay. Okay. And what was 10:05:38

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1	Nike_00030027. Ms. Anderson, please let me know	10:36:03
2	when you have Exhibit 193 in front of you.	10:36:07
3	A. Yes.	10:36:13
4	Q. Okay. And please take a moment to	10:36:14
5	review and let me know when you're finished.	10:36:17
6	(Pause.)	10:38:26
7	A. Okay. I've read it.	10:38:33
8	Q. Okay. Okay. So is Exhibit 193 an	10:38:34
9	email from you to Geralyn Coopersmith dated	10:38:40
10	January 25, 2016?	10:38:45
11	A. 2016. Yes.	10:38:48
12	Q. Okay. And did you write this email --	10:38:50
13	A. I did.	10:38:52
14	Q. -- to Ms. Coopersmith that's reflected	10:38:53
15	on the Exhibit 193?	10:39:00
16	A. Yes.	10:39:01
17	Q. Okay. Okay. If I can ask you to look	10:39:01
18	at the second line on Exhibit 193. You wrote, "I	10:39:08
19	feel like the two biggies they cited in generic	10:39:15
20	bucket of 'things I wasn't doing at E-band	10:39:19
21	level.'" Do you see that?	10:39:22
22	A. Yeah.	10:39:23
23	Q. Okay. Were you referring to a	10:39:23
24	performance meeting that you had prior to sending	10:39:25
25	this email to Ms. Coopersmith?	10:39:29

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1 BY MS. ZABELE:

2 Q. Okay. I've marked as Exhibit 200 a 14:06:57
3 one-page document Bates-stamped Nike_00030002, 14:07:00
4 appears to be an offer letter addressed to 14:07:08
5 Ms. Anderson dated -- from Nike dated 14:07:10
6 September 17, 2019. 14:07:15

7 Ms. Anderson, please let me know when 14:07:17
8 you have Exhibit 200 in front of you. 14:07:18

9 A. It is open. 14:07:25

10 Q. Okay. And is Exhibit 200 your offer 14:07:26
11 letter from Nike for the position of connected 14:07:28
12 membership director, North America, dated 14:07:31
13 September 17, 2019? 14:07:34

14 A. Yes. 14:07:36

15 Q. Okay. And you accepted this offer and 14:07:38
16 moved into the connected membership director, 14:07:44
17 North America, role as of October 1, 2019. Is 14:07:47
18 that correct? 14:07:55

19 A. Yes. 14:07:55

20 Q. Okay. Was this a role you had applied 14:07:55
21 for? 14:07:59

22 A. Yes. 14:08:00

23 Q. How did you learn about the opening? 14:08:01

24 A. It was posted -- it was posted 14:08:04
25 internally, and I had been having conversations 14:08:13

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1 reports had worked in preparing their CFEs and 15:07:37
2 making recommendations about their rating? 15:07:41
3 A. Absolutely. 15:07:46

4 Q. And how would you decide whose 15:07:47
5 feedback to solicit? 15:07:50
6 A. Typically, at Nike, the employee is 15:07:53
7 asked by their manager to submit names of people 15:07:56
8 to give feedback on their work based on who they 15:07:59
9 worked most closely with. 15:08:03
10 Q. And is that what you would do? You 15:08:06
11 would ask your direct reports who you should 15:08:08
12 solicit feedback from? 15:08:11
13 A. Yes. And then if there was anybody 15:08:13
14 that was glaringly obvious, like who they worked 15:08:15
15 with that I knew on a consistent daily basis who 15:08:19
16 was not on -- hadn't been included, or teammates 15:08:21
17 that they -- that they worked with on a regular 15:08:25
18 basis, I would also solicit feedback from them. 15:08:27
19 Q. Okay. And in terms of how you would 15:08:30
20 solicit the feedback, would you pose certain 15:08:35
21 questions to the individuals whom your direct 15:08:40
22 reports had indicated they wanted you to solicit 15:08:46
23 feedback from or who you otherwise determined you 15:08:50
24 should solicit feedback from? 15:08:52
25 A. I would send the people I was being 15:08:54

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1 looking for feedback from -- and similar -- an 15:08:58
2 email asking them similar questions so that it was 15:09:00
3 on a level playing field. 15:09:03

4 Q. So I guess -- yeah. Like thinking 15:09:07
5 about the whole time that you've been involved in 15:09:13
6 making, you know, preparing CFEs and making CFE 15:09:16
7 recommendations for your direct reports, have you 15:09:19
8 always asked the same questions to solicit 15:09:22
9 feedback? 15:09:27

10 A. Not -- I -- not that I recall. 15:09:27
11 Similar, but they would change and they would 15:09:31
12 often be, you know, customized to the particular 15:09:35
13 job or goals for the year if they were something 15:09:40
14 specific that was a big initiative that we worked 15:09:43
15 on. I mean, I'd customize them so they weren't 15:09:45
16 generic. 15:09:49

17 Q. Okay. So would you customize them 15:09:51
18 based on whose -- based on the direct report for 15:09:54
19 whom you were soliciting feedback? 15:09:58

20 A. No. In a given year, I would like -- 15:10:01
21 if I were sending it out, I would have sent out 15:10:05
22 the same thing, for example, for Izzy and Steve 15:10:07
23 even though they worked in different categories. 15:10:10

24 Q. Okay. And did you ever do any -- like 15:10:13
25 a survey for people to fill out? 15:10:21

1 A. I mean, some -- some year I may -- I 15:10:28

2 might have used like a SurveyMonkey to send the 15:10:31

3 questions out versus just sending it in an email. 15:10:34

4 Q. And I guess was it up to you like what 15:10:39

5 questions you wanted to send out to solicit 15:10:47

6 feedback? 15:10:50

7 A. There was not standardized questions 15:10:50

8 that were sent out. There were not standardized 15:10:54

9 questions that were sent out [said twice]. 15:10:56

10 Q. Okay. Okay. So is it accurate that 15:10:58

11 you would change them based on -- or tailor them 15:11:05

12 based on the -- the individuals you were -- like 15:11:10

13 year to year based on the individuals who you were 15:11:19

14 soliciting feedback for? 15:11:25

15 A. I would change it based on the job 15:11:26

16 they were doing: If the job changed, the 15:11:28

17 requirements of the job changed, or the projects 15:11:30

18 they were working on changed. 15:11:32

19 Q. Okay. And for the feedback that you 15:11:35

20 received from the individuals that you solicited 15:11:38

21 feedback from, would you then incorporate that 15:11:42

22 into the CFEs you prepared for your direct 15:11:45

23 reports? 15:11:48

24 A. Yes. 15:11:49

25 Q. And would the feedback you received 15:11:52

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1 MS. ZABELE: Okay. Let's take a 15:17:24
2 break. 15:17:25
3 THE REPORTER: DaShun, are we off? 15:17:25
4 THE VIDEOGRAPHER: We're off the 15:17:36
5 record at 3:17 p.m. 15:17:37
6 (Recess.) 15:30:43
7 THE VIDEOGRAPHER: We're now back on 15:30:43
8 the record. The time is 3:30 p.m. 15:30:50
9 BY MS. ZABELE: 15:30:52
10 Q. Ms. Anderson, did you review any 15:30:53
11 documents during the break? 15:30:54
12 A. No. 15:30:55
13 Q. Okay. When we met last time, you told 15:30:57
14 me that you had once applied for an Olympics and 15:31:01
15 lacrosse sports marketing position and you believe 15:31:08
16 you were qualified for the role, but you did not 15:31:12
17 get an interview. Do you recall that testimony? 15:31:15
18 A. Yes. 15:31:18
19 MS. ZABELE: Okay. All right. 15:31:20
20 Let's look at an exhibit. 15:31:21
21 (Deposition Exhibit No. 204
22 marked for identification.)
23 BY MS. ZABELE: 15:32:08
24 Q. Okay. I've marked as Exhibit 204 a 15:32:08
25 multipage document Bates-stamped Nike_00006155 to 15:32:10

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1 6563. Appears to be Ms. Anderson's application 15:32:22
2 for a director of sports marketing, athletic 15:32:25
3 training, North America Olympics sports and 15:32:28
4 lacrosse position at Nike. 15:32:31

5 Ms. Anderson, please let me know when 15:32:34
6 you have Exhibit 204 in front of you. 15:32:36

7 A. Yes. I have it in front of me. 15:32:41

8 Q. Okay. And is this director, sports 15:32:43
9 marketing, athletic training, North America 15:32:47
10 Olympics sports and lacrosse role the one that you 15:32:50
11 told me that you had applied for and believed you 15:32:54
12 were qualified for but did not get an interview? 15:32:56

13 A. Yes. 15:33:00

14 Q. Okay. And Exhibit 204 shows that -- 15:33:03
15 or it lists a creation date for the application of 15:33:13
16 June 10, 2018. Do you see that? Sorry. I can 15:33:15
17 tell you looking at the top of the first page on 15:33:20
18 the left-hand side, the third header down right 15:33:23
19 above "resume." Do you see that? 15:33:28

20 A. Yes. 15:33:29

21 Q. Okay. And is that -- is June 10, 15:33:30
22 2018, on or about the date that you applied for 15:33:36
23 this director role? 15:33:37

24 A. Yes. 15:33:39

25 Q. Okay. And you subsequently emailed 15:33:40

1 that when something did open up, there was a lot 15:44:31
2 of competition for those roles because of the 15:44:34
3 number of people who had been in the group for a 15:44:37
4 long time. 15:44:39

5 Q. Okay. Anything else you recall 15:44:44
6 discussing with Ms. Moore when you had coffee with 15:44:45
7 her? 15:44:47

8 A. I mean, I recall talking to her about 15:44:47
9 my background and experience with the sports 15:44:50
10 marketing experience I had had at Adidas, with my 15:44:53
11 experience with the Olympics and with national 15:44:58
12 governing bodies and with U.S. Lacrosse. So I 15:45:01
13 just wanted to share with her my qualifications 15:45:04
14 for the role that she had hired. 15:45:12

15 Q. Okay. Anything else you recall 15:45:15
16 discussing with her during that coffee meeting? 15:45:19

17 A. No. Not that I recall. 15:45:23

18 Q. Okay. Are you aware that a woman 15:45:26
19 named Yumi Ozawa was ultimately hired for the 15:45:33
20 role? 15:45:37

21 MR. BLAKE: Objection. Assumes 15:45:38
22 facts not in evidence. 15:45:39

23 A. I believe I saw a notification that 15:45:42
24 that was who got the role. 15:45:44

25 BY MS. ZABELE: 15:45:47

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1 Q. Okay. Do you know anything about 15:45:50
2 Ms. Ozawa's educational background? 15:45:50
3 A. I do not. 15:45:53
4 Q. Do you know anything about Ms. Ozawa's 15:45:55
5 work experience before she joined Nike? 15:45:59
6 A. I do not. 15:46:01
7 MR. BLAKE: Objection. Vague and 15:46:03
8 ambiguous.
9 THE WITNESS: I do not. 15:46:05
10 BY MS. ZABELE: 15:46:05
11 Q. Okay. Do you know anything about 15:46:05
12 Ms. Ozawa's work experience at Nike? 15:46:07
13 A. I do not. 15:46:10
14 Q. Okay. So sounds like the answer will 15:46:11
15 be no, but are you aware she's worked at Nike 15:46:19
16 since 1999? 15:46:21
17 MR. BLAKE: Objection. Assumes 15:46:23
18 facts not in evidence. 15:46:25
19 A. No. 15:46:26
20 BY MS. ZABELE: 15:46:28
21 Q. Are you aware that from March 2011 to 15:46:29
22 October 2012, she held the position of sports 15:46:33
23 marketing director, NFL, international business, 15:46:35
24 and Lance Armstrong/Livestrong? 15:46:37
25 MR. BLAKE: Objection. Assumes 15:46:40

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1	facts not in evidence. Lacks foundation.	15:46:41
2	A. No.	15:46:43
3	BY MS. ZABELE:	15:46:44
4	Q. Okay. Were you aware that from	15:46:45
5	October 2012 until she took the director sports	15:46:49
6	marketing, athletic training, North America	15:46:58
7	Olympic sports and lacrosse position, that she	15:47:00
8	held the position of sports marketing director,	15:47:03
9	NFL, international business, global football,	15:47:05
10	soccer, marketing integration?	15:47:07
11	MR. BLAKE: Objection. Assumes	15:47:10
12	facts not in evidence.	15:47:13
13	A. I don't know anything about her so I	15:47:14
14	don't know these things.	15:47:16
15	BY MS. ZABELE:	15:47:17
16	Q. Okay. Do you believe you were more	15:47:19
17	qualified for the position than Ms. Ozawa?	15:47:20
18	MR. BLAKE: Objection. Vague.	15:47:23
19	Ambiguous.	15:47:26
20	A. I don't know anything about her	15:47:27
21	qualifications other than the titles that you told	15:47:28
22	me that -- of work she's done.	15:47:31
23	BY MS. ZABELE:	15:47:33
24	Q. So is that, no, you don't believe you	15:47:40
25	were more qualified for the position than	15:47:42

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1 Ms. Ozawa? 15:47:44

2 MR. BLAKE: Misstates prior 15:47:45

3 testimony. 15:47:46

4 BY MS. ZABELE: 15:47:47

5 Q. As you sit here now. 15:47:47

6 MR. BLAKE: Objection. Asked and 15:47:51

7 answered. 15:47:51

8 A. I don't know if I'm more or less 15:47:53

9 qualified. I -- it would be hard to say without 15:47:55

10 having gotten an interview. 15:47:57

11 BY MS. ZABELE: 15:48:01

12 Q. Do you have any reason to believe that 15:48:01

13 you were not hired for the position because of 15:48:02

14 your gender? 15:48:04

15 A. I believe I didn't get an interview 15:48:08

16 because of what happened when I was on Danny's 15:48:09

17 team. 15:48:12

18 Q. And what -- well, that wasn't quite my 15:48:14

19 question. Do you have any reason to believe that 15:48:21

20 you weren't hired for the position because of your 15:48:22

21 gender? 15:48:25

22 A. No. 15:48:26

23 Q. And what's the basis for your belief 15:48:27

24 that you didn't get an interview because of -- you 15:48:33

25 said what happened when you were on Danny's team? 15:48:39

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1 A. I feel like with Danny, when I was put 15:48:44
2 in the position to take the brand -- to take the 15:48:50
3 digital brand position and take a step backwards, 15:48:53
4 I feel it derailed my career. I didn't have the 15:48:55
5 opportunity or the visibility to network with the 15:48:58
6 people I wanted to to advance my career. 15:49:01

7 In the course of work with baseball 15:49:05
8 and lacrosse, it was a very small world that was 15:49:06
9 not -- that was not conducive to sort of doing 15:49:11
10 this networking and having people see your work 15:49:13
11 because it was a very small amount of work. 15:49:17

12 And it just felt like after being in 15:49:20
13 Danny's group that -- and going down a band that I 15:49:23
14 could not catch a break and get my career back on 15:49:27
15 track with jobs that were of interest to me. 15:49:35

16 Q. But you told me earlier that you, for 15:49:38
17 example, did become a director again. Correct? 15:49:43

18 MR. BLAKE: Objection. 15:49:47
19 Argumentative. 15:49:48

20 A. I became a director after applying for 15:49:52
21 this job. 15:49:55

22 BY MS. ZABELE: 15:49:57

23 Q. No. I know. But I'm just -- you said 15:49:58
24 that you felt like he derailed your career so I'm 15:50:00
25 just asking you about your -- how that computes 15:50:02

1 with your prior testimony where you told me that 15:50:09
 2 you became a director again after you took the 15:50:10
 3 U-band role? 15:50:14
 4 MR. BLAKE: Objection. Vague and 15:50:15
 5 ambiguous. 15:50:18
 6 A. But I hadn't -- if I hadn't been in a 15:50:18
 7 position where I was forced to take a U-band role, 15:50:21
 8 then at the time I took a director role, I would 15:50:23
 9 have hopefully been and probably been competing 15:50:26
 10 for senior director roles. 15:50:29
 11 BY MS. ZABELE: 15:50:32
 12 Q. Okay. But you don't know for sure 15:50:32
 13 that that would be the case. You're just 15:50:34
 14 speculating. Right? 15:50:35
 15 A. I don't know for sure it's not the 15:50:36
 16 case. 15:50:37
 17 Q. I know. But you don't know for sure 15:50:38
 18 that it would have been the case. Correct? 15:50:41
 19 MR. BLAKE: Objection. 15:50:42
 20 Argumentative. Calls for speculation. 15:50:42
 21 A. No. 15:50:51

22 MS. ZABELE: Okay. So all right. 15:50:52
 23 Let's take a look at the MOR complaint. 15:50:56
 24 (Deposition Exhibit No. 206
 25 marked for identification.)

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1	BY MS. ZABELE:	15:51:55
2	Q. Okay. I've marked as Exhibit 206 a	15:51:55
3	multipage document Bates-stamped Nike_00023458 to	15:51:57
4	00023460.	15:52:05
5	Ms. Anderson, please let me know when	15:52:09
6	you have Exhibit 206 in front of you.	15:52:10
7	A. Yes.	15:52:20
8	Q. Okay. So you told me earlier that	15:52:20
9	after you had a conversation with Lauren Sherman,	15:52:24
10	you submitted a complaint through Nike's Matter of	15:52:26
11	Respect hotline. Is that right?	15:52:33
12	A. Yes.	15:52:37
13	Q. Okay. So was that a number you called	15:52:39
14	to make the complaint, like a telephone number?	15:52:40
15	A. Yes. It was a telephone number.	15:52:44
16	Q. Okay. And you -- okay. So maybe	15:52:45
17	let's -- you may not have seen it in this format	15:52:55
18	before, so maybe let's just go through it. At the	15:52:57
19	top of Exhibit 206 -- actually, strike that.	15:53:01
20	Let's do this. If you can look at the	15:53:09
21	second page of Exhibit 206, at the top there's	15:53:11
22	some text that starts, "October 2015." Do you see	15:53:16
23	that?	15:53:19
24	A. Yes.	15:53:23
25	Q. Okay. Could you please read that and	15:53:24

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1 let me know if you think that this is an accurate 15:53:26
2 and true reflection of the complaint that you 15:53:31
3 submitted to Nike's Matter of Respect hotline? 15:53:33
4 A. Yes. I've read this. Yes. It's 15:54:17
5 accurate. 15:54:19
6 Q. Okay. Sorry. Go ahead. 15:54:20
7 A. I said, yes, it was accurate. 15:54:23
8 Q. Ah. Thank you. Okay. Okay. So now 15:54:25
9 if I can ask you to look at the top of the first 15:54:32
10 page of Exhibit 206. At the very top on the 15:54:34
11 left-hand side, it says, "Report initiated," and 15:54:39
12 then just to the right of that, it says, 15:54:42
13 "2018-03-22." Do you see that? 15:54:46
14 A. Yes. 15:54:48
15 Q. Okay. Okay. And is that the date 15:54:50
16 that you submitted this complaint through the 15:54:52
17 Matter of Respect hotline, March 22nd, 2018? 15:54:54
18 A. Yes. 15:54:57
19 Q. Okay. And this was based on an 15:54:59
20 incident that had occurred in October 2015. 15:55:11
21 Correct? 15:55:13
22 A. Yes. 15:55:13
23 Q. Okay. So then looking at, again, the 15:55:23
24 top of the second page, it says, "October 2015, 15:55:25
25 the entire digital" -- sorry. Strike that. 15:55:29

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1 So I'll just read through your 15:55:30
2 complaint as reflected on the top of the second 15:55:39
3 page of Exhibit 206. So it says, "October 2015, 15:55:41
4 the entire digital brand group was in Seattle for 15:55:44
5 an off-site. After a day of working, we had 15:55:46
6 dinner and then were out as a group having 15:55:49
7 drinks." Do you see that? 15:55:53

8 A. Yes. 15:55:55

9 Q. Who was the -- who was in attendance? 15:55:55
10 Like who was the group that was out having drinks? 15:56:01

11 A. The digital brand marketing team. I 15:56:07
12 think just about the entire team. 15:56:10

13 Q. Okay. And then the second paragraph 15:56:12
14 there just underneath it states, "During the 15:56:32
15 evening our group was sitting around low tables 15:56:36
16 and █████ ended up standing in front of me, crotch 15:56:39
17 in my face, and made a comment about sucking his 15:56:43
18 dick." Do you see that? 15:56:45

19 A. Uh-huh. 15:56:48

20 Q. Okay. And the next sentence says, 15:56:48
21 "The entire group who was present didn't exactly 15:56:51
22 know what to do." Do you see that too? 15:56:53

23 A. Yes. 15:56:56

24 Q. Okay. So who witnessed █████ or 15:56:57
25 █████ standing in front of you, crotch in your 15:57:03

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1 face, and making a comment about sucking his dick? 15:57:09

2 A. I mean, the -- the team was there. We 15:57:12

3 were all sitting around at the table at the bar. 15:57:16

4 [REDACTED] and [REDACTED] were sitting 15:57:21

5 closest to me, like next to me, and witnessed it 15:57:25

6 directly. 15:57:28

7 Q. Who else was there? 15:57:30

8 A. I mean, it was -- it was the whole 15:57:31

9 group. 15:57:35

10 Q. Yeah. Who would that be? 15:57:36

11 A. I mean, everybody who was on the 15:57:39

12 digital team. It would have been -- I mean, I 15:57:41

13 don't -- I don't remember everybody. I mean, but 15:57:45

14 [REDACTED], a 15:57:47

15 couple of the design guys. There were some design 15:57:57

16 guys there who were part of the team who did our 15:58:00

17 photo shoots. 15:58:04

18 I think at that point in time Kelly 15:58:07

19 was not in the hotel lobby, but had gone back to 15:58:09

20 bed. I certainly told her about it the next 15:58:12

21 morning as did other people who were there. I 15:58:16

22 don't remember all the people on the team. 15:58:25

23 Q. Anyone else that you haven't told me 15:58:27

24 about specifically who witnessed this? 15:58:30

25 A. I mean, like I said, I can't -- I 15:58:35

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1 can't remember everybody's name. This was a while 15:58:38
2 ago. And they're not people who -- 15:58:39

3 Q. Okay. I understand you can't remember 15:58:43
4 everybody, but anyone who was there that you 15:58:44
5 recall that you haven't listed? 15:58:46

6 A. Not -- not that I recall, but there 15:58:49
7 were at least a dozen people there at the time. 15:58:55

8 Q. Okay. And then if you look at the 15:59:02
9 third line/paragraph at the top of the second page 15:59:05
10 of Exhibit 206, you reported, "Kelly Cahill is 15:59:11
11 also a witness to this. She has since left Nike, 15:59:16
12 but she was my manager at the time of the 15:59:18
13 incident." Do you see that? 15:59:20

14 A. Yes. 15:59:21

15 Q. So did Kelly Cahill witness the 15:59:22
16 incident or not? 15:59:25

17 A. I -- I don't recall that she was still 15:59:28
18 there that night. 15:59:31

19 Q. Okay. But you said in your complaint 15:59:36
20 to the Matter of Respect hotline that she was? 15:59:38

21 A. Well, it seems like I did. 15:59:41

22 Q. Okay. And you'd agree it's important 15:59:48
23 to be accurate and truthful when submitting a 15:59:50
24 complaint like this to Nike's internal hotline. 15:59:53
25 Correct? 15:59:57

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1 MR. BLAKE: Objection. Vague and 15:59:58
2 ambiguous. Argumentative. 15:59:59
3 A. Yes. 16:00:01
4 BY MS. ZABELE: 16:00:08
5 Q. Okay. So I guess I'm trying to 16:00:09
6 understand which one is accurate. Was Ms. Cahill 16:00:11
7 there or is it -- is your MOR complaint inaccurate 16:00:14
8 or -- or would you like to change your testimony? 16:00:18
9 A. I can't remember if she was 16:00:24
10 specifically there or not. 16:00:25
11 Q. Okay. And you said she was your 16:00:30
12 manager at the time of the incident, and you told 16:00:36
13 me earlier that you told -- it -- at least talked 16:00:38
14 to her about it the next day. Was that correct? 16:00:40
15 A. Yes. 16:00:44
16 Q. Okay. And what did Ms. Cahill say to 16:00:45
17 you -- well, strike that. 16:00:48
18 What did you -- what do you recall 16:00:49
19 telling Ms. Cahill in that conversation? 16:00:51
20 A. All what it says there. That we were 16:00:54
21 sitting around and he stood in front of me and put 16:01:00
22 his crotch in my face and made that comment. 16:01:02
23 Q. Okay. Anything else that you recall 16:01:06
24 telling Ms. Cahill at the time? 16:01:08
25 A. No. 16:01:13

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1 Q. Okay. And what -- how did Ms. Cahill 16:01:16
2 respond to you in that conversation? What did she 16:01:18
3 say? 16:01:21
4 A. I -- I don't remember what she said or 16:01:21
5 didn't say. 16:01:26
6 Q. Do you know if Ms. Cahill ever made a 16:01:26
7 report to ER [sic] about what you had told her or 16:01:35
8 she had possibly witnessed? 16:01:40
9 MR. BLAKE: Objection. Compound. 16:01:43
10 A. I do not know. 16:01:45
11 BY MS. ZABELE: 16:01:54
12 Q. Do you know if she ever made a report 16:01:55
13 to HR about what you had told her or what she had 16:01:56
14 possibly witnessed? 16:01:59
15 A. I do not. 16:02:00
16 Q. If she was your manager at the time, 16:02:01
17 wouldn't you have expected her to do so? 16:02:05
18 MR. BLAKE: Objection. Compound -- 16:02:07
19 excuse me. Argumentative. 16:02:10
20 A. I think with any of this, the culture 16:02:12
21 at Nike was that you like -- this is just 16:02:16
22 something you didn't talk about. It's stuff that 16:02:19
23 happened. It happened at off-sites. And I don't 16:02:21
24 know what -- I don't know what managers were 16:02:23
25 expected -- were, were not expected to do. 16:02:27

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1 So like I -- like I said, I -- I 16:02:34
2 didn't -- I didn't want to make a big deal of it 16:02:35
3 because I didn't want to get labeled as a 16:02:37
4 troublemaker and get any more on [REDACTED]'s bad side 16:02:39
5 than I already felt I was, and I just kind of let 16:02:42
6 it go. It wasn't the right thing to do, and I 16:02:48
7 certainly shouldn't have done that for all -- you 16:02:51
8 know, for all those who come after me. I 16:02:54
9 shouldn't have done it because it shouldn't have 16:02:56
10 been something that I wasn't strong enough to 16:02:59
11 stand up for and prevent it from happening to 16:03:02
12 other people, but it is what it is. 16:03:04
13 BY MS. ZABELE: 16:03:08
14 Q. But as you sit here today, you don't 16:03:09
15 agree that Ms. Cahill should have reported this as 16:03:11
16 your manager? 16:03:14
17 MR. BLAKE: Objection. 16:03:16
18 Argumentative. Asked and answered. 16:03:16
19 A. I don't know if she did or did not 16:03:18
20 report it. 16:03:20
21 BY MS. ZABELE: 16:03:25
22 Q. But based on Nike's records, there's 16:03:25
23 no evidence that she did? 16:03:27
24 A. I don't know. 16:03:29
25 Q. Did you have any -- ever have any 16:03:31

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1 other conversations with Ms. Cahill about the 16:04:00
2 incident that's reflected in your Matter of 16:04:03
3 Respect complaint on Exhibit 206? 16:04:07
4 A. I don't recall this is something that 16:04:12
5 we had conversation on, extensive conversation on. 16:04:14
6 Q. Do you recall if you discussed it with 16:04:17
7 anyone else at Nike besides Ms. Sherman before you 16:04:20
8 made this report? 16:04:23
9 A. Yes. [REDACTED] and I talked about it. 16:04:24
10 [REDACTED] and I had talked about it. I mean, there 16:04:30
11 were people who were there. 16:04:32
12 Q. Did you discuss it with anyone else? 16:04:34
13 A. Not that I recall. Not -- I don't 16:04:42
14 recall having a conversation with anybody at Nike 16:04:46
15 about it. 16:04:48
16 Q. Okay. And what was Gina's role at the 16:04:49
17 time of the incident? 16:04:54
18 A. Digital director for running. Digital 16:04:55
19 brand director for running. 16:04:58
20 Q. And what was [REDACTED]'s position at the 16:05:00
21 time of the incident? 16:05:13
22 A. I believe she was our director of 16:05:14
23 operations for the group. 16:05:18
24 Q. Okay. And after you submitted this 16:05:39
25 complaint to the Matter of Respect hotline, on 16:05:42

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1 March 22nd, 2018, you were subsequently contacted 16:05:47
2 by a third party investigator. Do you recall 16:05:53
3 that? 16:05:57
4 A. I do not. 16:05:58
5 MS. ZABELE: Okay. All right. 16:06:25
6 Let's look at a document. 16:06:26
7 (Deposition Exhibit No. 207
8 marked for identification.)
9 BY MS. ZABELE:
10 Q. Okay. I've marked as Exhibit 207 a 16:07:19
11 multipage document Bates-stamped PLF020860 to 16:07:22
12 PLF020862. 16:07:32
13 Ms. Anderson, please take a moment to 16:07:40
14 review Exhibit 207 and let me know when you're 16:07:41
15 finished. 16:07:44
16 A. Okay. I've read this. 16:07:45
17 Q. Okay. If I can ask you to look at the 16:09:02
18 bottom of the second page of Exhibit 207. It 16:09:08
19 appears to be an email from Myra Villamor to you 16:09:13
20 dated April 3rd, 2018. Subject: Personal and 16:09:17
21 confidential. To be opened by recipient only. 16:09:21
22 Did you receive this email from Ms. Villamor on 16:09:26
23 April 3rd, 2018? 16:09:29
24 A. Yes. 16:09:32
25 Q. Okay. And she wrote to you, "Hi, 16:09:33

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1 Lauren. My name is Myra Villamor. I'm -- I am 16:09:41
2 the member of the Matter of Respect team who will 16:09:44
3 look into the concerns you raised." Do you see 16:09:48
4 that? 16:09:49
5 A. Yes. 16:09:50
6 Q. Okay. So did you understand that 16:09:52
7 Ms. Villamor was contacting you in response to the 16:09:54
8 matter of respect complaint that you had 16:09:56
9 submitted? 16:09:58
10 A. Yes. 16:09:59
11 Q. Okay. And Ms. Villamor also wrote, 16:09:59
12 "Although I have a Nike email and dedicated phone 16:10:08
13 number, I am with an outside firm that Nike has 16:10:11
14 retained to assist in this matter." Do you see 16:10:13
15 that? 16:10:15
16 A. Yes. 16:10:15
17 Q. Okay. And then if you scroll up, 16:10:18
18 Ms. Villamor then wrote you on April 5th, 2018, a 16:10:26
19 copy to Jennifer Nunez, and she said, "Hi, Lauren. 16:10:36
20 My colleague, Jennifer, cc'd on this email will be 16:10:42
21 reaching out to you to schedule a call for today. 16:10:45
22 Please let us know when you're available." Do you 16:10:48
23 see that? 16:10:50
24 A. Yes. 16:10:50
25 Q. Okay. Did you receive that email from 16:10:52

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1 Ms. Villamor as well? 16:10:54

2 A. Yes. Because I responded with my 16:10:57

3 availability. 16:10:59

4 Q. Okay. And then that's the subsequent 16:11:02

5 email that you're looking at on kind of the top of 16:11:06

6 the second page of Exhibit 207? 16:11:12

7 A. Yes. 16:11:13

8 Q. Okay. And then if you keep scrolling 16:11:13

9 up, Jennifer Nunez appears to have written to you 16:11:15

10 to schedule a time to speak via phone? 16:11:20

11 A. Yes. 16:11:24

12 Q. Do you see that? 16:11:24

13 A. Yes. 16:11:25

14 Q. Okay. Okay. And then did you 16:11:26

15 subsequently speak to Ms. Nunez via phone about 16:11:28

16 the Matter of Respect complaint that you had 16:11:34

17 submitted? 16:11:36

18 A. Yes. 16:11:37

19 Q. Okay. And what do you recall 16:11:40

20 discussing with Ms. Nunez during that phone call? 16:11:43

21 A. I just recall them reiterating what 16:11:47

22 they said the process was, about going in and talk 16:11:54

23 to him. 16:11:58

24 Q. Of what process was that? 16:12:00

25 A. That they were going to talk to [REDACTED] 16:12:02

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1 and that they, you know, were going to do -- you 16:12:05
2 know, that they were investigating it and that -- 16:12:10
3 that's what they were doing. 16:12:15
4 Q. Okay. And did you tell Ms. Nunez 16:12:18
5 about the -- or any additional details about the 16:12:21
6 Matter of Respect complaint that you had 16:12:27
7 submitted? 16:12:29
8 A. I don't remember. 16:12:30
9 Q. Do you recall anything else that 16:12:31
10 Ms. Nunez told you about the process of 16:12:47
11 investigating your complaint? 16:12:50
12 A. No. 16:12:52
13 Q. Okay. Do you recall if you spoke to 16:13:02
14 Ms. Nunez after that phone call you had with her? 16:13:03
15 A. I do not. 16:13:09
16 Q. Do you recall if you spoke to 16:13:11
17 Ms. Villamor about your MOR -- or Matter of 16:13:15
18 Respect complaint after you spoke to Ms. Nunez? 16:13:23
19 A. I do not. 16:13:25
20 Q. Okay. And you understood that 16:13:31
21 Ms. Nunez and Ms. Villamor were from an outside 16:13:33
22 law firm Nike had hired to investigate your 16:13:37
23 complaint. Correct? 16:13:40
24 A. ~~yes.~~ I did not know they were attorneys 16:13:42
at the time of the investigation.
25 Q. All right. And then do you recall if 16:13:43

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1 Ms. Nunez or Ms. Villamor told you which law firm 16:13:54
2 they were from? 16:13:58
3 A. I do not. 16:14:00
4 Q. Do you recall if they said they were 16:14:01
5 from Seyfarth Shaw? 16:14:09
6 A. I do not recall. 16:14:11
7 Q. Okay. And let's see. Okay. And then 16:14:12
8 Ms. Nunez subsequently emailed you to let you know 16:14:24
9 that the investigation had been completed. Right? 16:14:27
10 If you don't recall, just let me know and we can 16:14:38
11 look at another document. 16:14:41
12 A. No. I mean, I had remembered -- I 16:14:42
13 mean, I see this document, but it's not on this 16:14:44
14 document. 16:14:46
15 MS. ZABELE: Okay. Give me a sec. 16:14:47
16 (Deposition Exhibit No. 208
17 marked for identification.)
18 BY MS. ZABELE:
19 Q. Okay. I've marked as Exhibit 208 a 16:15:33
20 one-page document Bates-stamped Nike_00006252. 16:15:35
21 Appears to be an email chain between Ms. Anderson 16:15:44
22 and Jennifer Nunez from August 2018. 16:15:46
23 Ms. Anderson, please let me know -- or 16:15:51
24 take a minute to review Exhibit 208 and let me 16:15:54
25 know when you're finished. 16:15:56

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1	A.	Okay. I've read it.	16:16:26
2	Q.	Okay. And the -- if I can ask you to	16:16:27
3		look at the -- the bottom email on Exhibit 208,	16:16:32
4		Ms. Nunez wrote to you on August 3rd, 2018, and	16:16:38
5		said, "Hi, Lauren. I just tried to reach -- I	16:16:42
6		just tried reaching you on your phone. I wanted	16:16:47
7		to thank you again for speaking with me and	16:16:50
8		voicing your concerns through the Matter of	16:16:52
9		Respect process.	16:16:53
10		"When we last spoke, I shared with you	16:16:58
11		that someone would be reaching out to you once the	16:16:59
12		Matter of Respect investigation concluded." Do	16:17:02
13		you see that?	16:17:06
14	A.	Yes.	16:17:07
15	Q.	Okay. And do you recall if Ms. Nunez	16:17:07
16		shared that with you at some point during the	16:17:10
17		process that they would let you know when the	16:17:14
18		Matter of Respect investigation into your	16:17:16
19		complaint had finished?	16:17:20
20	A.	Yes.	16:17:21
21	Q.	Okay. And then Ms. Nunez next wrote	16:17:22
22		to you, "We appreciate your patience while we work	16:17:25
23		through the issues. We are now finishing	16:17:28
24		reviewing the issues you raised and have shared	16:17:30
25		our findings with the appropriate individuals	16:17:32

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1 within Nike. At this time, we would like to let 16:17:35
2 you know that steps have been taken to address 16:17:38
3 your concerns." Do you see that? 16:17:41
4 A. Yes. 16:17:42
5 Q. Okay. And so I guess I'll ask this. 16:17:43
6 Did you receive this email from Ms. Nunez dated 16:17:56
7 August 3rd, 2018? 16:17:59
8 A. Yes. 16:18:01
9 Q. Okay. And does this reflect -- 16:18:01
10 refresh your recollection that Ms. Nunez contacted 16:18:04
11 you to let you know the investigation into your 16:18:07
12 Matter of Respect complaint regarding [REDACTED] 16:18:10
13 had been concluded? 16:18:15
14 A. Yes. 16:18:17
15 Q. And [REDACTED] is no longer with Nike. 16:18:18
16 Correct? 16:18:28
17 A. Correct. 16:18:28
18 Q. Do you know why he's no longer with 16:18:34
19 Nike? 16:18:35
20 A. I believe he was let go. 16:18:35
21 Q. Do you know when that occurred? 16:18:43
22 A. It was -- I think it was the summer of 16:18:45
23 2018 when all the heads rolled. There were a lot 16:18:51
24 of senior leaders who left or were let go. 16:18:53
25 Q. Okay. And do you feel that Ms. Nunez 16:19:04

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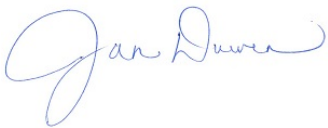
1	took your complaint seriously?	16:19:06
2	A. Yes.	16:19:08
3	MS. ZABELE: Okay. Look at one	16:19:33
4	other document.	16:19:35
5	(Deposition Exhibit No. 209	
6	marked for identification.)	
7	BY MS. ZABELE:	
8	Q. Okay. I've marked as Exhibit 209 a	16:19:56
9	three-page document. Appears to be Ms. Anderson's	16:19:59
10	consent to become party plaintiff in collective	16:20:01
11	action.	16:20:04
12	Ms. Anderson, please let me know when	16:20:05
13	you have Exhibit 209 in front of you.	16:20:07
14	A. It is in front of me.	16:20:09
15	Q. Okay. And do you recognize	16:20:11
16	Exhibit 209 as your consent to join this lawsuit?	16:20:15
17	A. Yes.	16:20:20
18	Q. Okay. And at the top of -- well,	16:20:22
19	let's say the first page, do you see where there's	16:20:32
20	some blue writing?	16:20:34
21	A. Yes.	16:20:35
22	Q. Blue lettering or typing?	16:20:39
23	A. Yes.	16:20:40
24	Q. Okay. And do you see where it says,	16:20:40
25	"Filed 01-18-2019"?	16:20:42

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1 CERTIFICATE

2
3
4 I, Jan R. Duiven, CSR, FCRR, CRC,
5 RPR, a Certified Shorthand Reporter for the State
6 of Oregon, do hereby certify that, pursuant to
7 stipulation of counsel for the respective parties
8 hereinbefore set forth, LAUREN ANDERSON appeared
9 virtually before me at the time and place set
10 forth in the caption hereof; that at said time and
11 place I reported in Stenotype all testimony
12 adduced and other oral proceedings had in the
13 foregoing matter; that thereafter my notes were
14 reduced to typewriting under my direction; and
15 that the foregoing transcript, pages 1 to 229,
16 both inclusive, constitutes a full, true, and
17 accurate record of all such testimony adduced and
18 oral proceedings had, and of the whole thereof.

19 Witness my hand at Eugene, Oregon,
20 this 17th day of February, 2021.

21 
22

23 Jan R. Duiven, CSR, FCRR, CRC, RPR

24 CSR No. 96-0327

25 Expiration Date: September 30, 2023

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Lauren Anderson Deposition Errata

Page : Line	Reads	Should Read	Reason
(Volume 1) 47 : 6	"Joel Canvick"	"Joel Blechman"	To clarify details and correct an inadvertent error
147 : 4	"Alex Wang"	"Alyx Wynn"	To correct a transcription error
149 : 7	"Daniel"	"Daniel Cogan"	To correct a transcription error
(Volume 2) 35 : 24	"Danielle Weiss and Tracy -- I can't remember her last name. It will come to me."	"Danielle Weiss and Tracy Poitras."	To clarify and provide additional details
38 : 16	"Not that I remember."	"I remember having 1 or 2 direct reports in the running category, but I don't recall their names."	To clarify and provide additional details
60 : 1	"I -- I don't recall."	"I had a regularly scheduled meeting with the digital managers and eventually Kelly took over that meeting."	To clarify and provide additional details
127 : 13	"There -- there were the -- the digital account managers on the account team side who were doing similar work"	"There were digital account managers and directors on the account side who were doing similar work"	To clarify and provide additional details
128 : 13	"Jody Fender"	Jodi Pfender	To correct a transcription error
128 : 14	"Josh Loy"	Josh Loye	To correct a transcription error
151 : 23	"Worked closely with the football team -- or the Foot Locker team"	"I worked closely with the Foot Locker team"	To clarify details and correct an inadvertent error
175 : 2	Tracy Wise	Tracy Poitras	To correct a transcription error
178 : 1	Tracy Wise	Tracy Poitras	To correct a

Cahill, et al v. Nike
Lauren Anderson Deposition Errata

			transcription error
178 : 8	"It would be something I would discuss with HR. So I would assume that Tracy was HR."	"Tracy was a manager on my team, and I believe I would have discussed hiring with her."	To clarify and provide additional details
216 : 24	"Yes."	"I did not know they were attorneys at the time of the investigation."	To clarify details and correct an inadvertent error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 03 / 19 / 2021 in PORTLAND, OR.

Lauren Anderson

Lauren Anderson

1120154

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)

Plaintiffs,)

v.) 3:18-cv-01477-JR

NIKE, INC., an Oregon)
corporation,)
Defendant.)

DEPOSITION OF PAIGE AZAVEDO

January 29, 2021

Friday

10:02 A.M.

THE VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF PAIGE AZAVEDO was taken at Portland,
Oregon, before Jan R. Duiven, CSR, FCRR, RPR, CRC,
Certified Shorthand Reporter in and for the State
of Oregon.

Page 1

1 kind of a discussion about where their passion 11:32:15
2 kind of lied. You know, Daniel, in particular, 11:32:18
3 you know, that was -- he was really into men's 11:32:24
4 training and football and that type of thing so it 11:32:26
5 made sense for him to align there. 11:32:28

6 Danielle was really, really focused on 11:32:30
7 women's initiatives and that was a big passion of 11:32:34
8 hers. So I tried to align -- and we -- you know, 11:32:37
9 it was -- it was a conversation that -- that we 11:32:40
10 had over the course of not only the recruiting 11:32:43
11 process, but also as part of, you know, their 11:32:46
12 development within the organization. 11:32:50

13 As opportunities came up, it was a 11:32:53
14 conversation that we would have about, you know, 11:32:55
15 where -- where did they see themselves, you know, 11:32:57
16 kind of wanting to fit in and work. 11:32:59

17 Q. Okay. And who would decide which 11:33:05
18 accounts they would focus on? 11:33:07

19 A. That was -- that was my role as their 11:33:08
20 leader. 11:33:11

21 Q. Okay. So sounds like you would 11:33:16
22 consider like their -- their interest and 11:33:17
23 experience in figuring out where to slot them in? 11:33:19

24 A. That's right. 11:33:24

25 Q. And for the individuals we mentioned, 11:33:25

1	did you hire any of them for your team? You	11:33:32
2	mentioned recruitment.	11:33:37
3	MR. BLAKE: Objection. Vague.	11:33:38
4	A. Yeah. Every single one of them I	11:33:40
5	hired onto my team.	11:33:41
6	BY MS. ZABELE:	11:33:43
7	Q. Oh, okay. So I know we spoke earlier	11:33:43
8	about promotions for Tracy White and Danielle	11:33:53
9	Weiss from marketing specialist to manager. So	11:34:00
10	maybe just focusing on Ms. White, did you hire her	11:34:05
11	into the marketing specialist role on your team?	11:34:09
12	A. That is my recollection, yes.	11:34:13
13	Q. Do you recall when it was? It was	11:34:17
14	probably a long time ago, but to the extent you	11:34:25
15	can.	11:34:27
16	A. Yeah. I don't. It would have been --	11:34:27
17	it would have been early in that -- in that move	11:34:30
18	over to DTC. So if I look at my resume, it would	11:34:34
19	have been in that 2011-2012 time period.	11:34:38
20	Q. Okay. And if you can recall, what	11:34:45
21	factors did you consider in deciding to hire	11:35:03
22	Ms. White for the marketing specialist role?	11:35:08
23	A. Yeah. My recollection is that she had	11:35:11
24	a pretty good resume from external sources. So	11:35:15
25	she came from, I believe, a radio station where	11:35:19

1 she was doing a lot of their digital work, even 11:35:22
2 did some kind of on-camera -- sorry, on-microphone 11:35:25
3 work, and I believe she also had come recommended 11:35:30
4 by somebody within the organization as somebody 11:35:35
5 to -- to -- to talk to. 11:35:38

6 So there was a number of factors, both 11:35:41
7 her experience, you know, her -- her prior digital 11:35:43
8 experience and then her ability to communicate, 11:35:49
9 which was really important when you're getting in 11:35:52
10 front of accounts. 11:35:54

11 Q. Okay. Any other factors you 11:36:00
12 considered in deciding to hire Ms. White? 11:36:02

13 A. No. 11:36:08

14 Q. Okay. And let's see. What about 11:36:09
15 Kerry Blake? Did you hire her into the -- into a 11:36:19
16 marketing specialist role on your team? 11:36:23

17 A. I did. 11:36:25

18 Q. Do you recall when that was? 11:36:27

19 A. It would have been around the same 11:36:30
20 time period. Probably -- she was a bit after -- 11:36:33
21 after Tracy. So probably, you know, either late 11:36:38
22 2011 or into 2012. 11:36:42

23 Q. And what factors did you consider that 11:36:47
24 you can recall in deciding to hire Tracy into the 11:37:01
25 marketing specialist role? 11:37:08

1 in deciding to hire Ms. Gunter? 11:38:45

2 A. Chelsea -- I actually can't remember 11:38:51

3 the conversations that we had. I believe she was 11:38:54

4 part of a -- my recollection is that Chelsea was 11:38:56

5 part of just a basic loop. You know, there was a 11:38:59

6 bunch of candidates that we were looking for -- we 11:39:04

7 were looking to hire from a bunch -- kind of a 11:39:06

8 list of candidates. 11:39:10

9 She came in and interviewed, and -- 11:39:13

10 and my recollection is that she just felt like a 11:39:15

11 good fit for Nike and she felt like a good fit for 11:39:17

12 the team and the role. 11:39:20

13 So, yeah, I think that was just part 11:39:22

14 of kind of the interview process that -- that -- 11:39:24

15 that worked. 11:39:27

16 Q. And when you say, "She felt like a 11:39:28

17 good fit for Nike," what do you recall about that? 11:39:37

18 Like what would make someone a good fit for Nike? 11:39:40

19 A. It was just passion -- 11:39:43

20 Q. Or what -- sorry. I'll strike. 11:39:44

21 What made Ms. Gunter a good fit for 11:39:46

22 Nike? 11:39:48

23 A. Yeah. Yeah. She was really 11:39:48

24 passionate about sport. She was passionate about, 11:39:50

25 you know, women's sport in particular, and -- and, 11:39:52

1 she was -- you know, she was somebody who was 11:40:02
2 very -- from -- from the conversations we had, and 11:40:03
3 then subsequently in the role, she was, you know, 11:40:06
4 someone who was very kind of detailed oriented 11:40:08
5 and -- and -- and really -- really good with -- 11:40:11
6 with her ability to kind of communicate with 11:40:17
7 relationships. 11:40:20

8 Q. Makes sense. Anything else? 11:40:26

9 A. No. 11:40:31

10 Q. And I guess like thinking broadly, not 11:40:35
11 just about Ms. Gunter in particular, but was 11:40:39
12 whether a candidate would be a good fit for Nike 11:40:43
13 something you would consider for generally like 11:40:47
14 all candidates when you interviewed them? 11:40:50

15 A. Yeah. I mean, you know, there's 11:40:53
16 always a -- going back to kind of the Nike 11:40:55
17 principles and making sure that there's -- you 11:40:59
18 know, that they -- they feel right against those 11:41:02
19 key principles that Nike has. And, you know, for 11:41:06
20 me, also just being able to -- to have a passion 11:41:11
21 for sport and -- and know that, you know, athletes 11:41:15
22 and the -- and that world is something that they 11:41:19
23 care about. 11:41:22

24 Q. When you mentioned the Nike's key 11:41:27
25 principles, what are those? 11:41:43

1 A. Oh, I'd have to go back and look. 11:41:44
2 It's like "do the right thing" and, you know -- 11:41:47
3 it's been a while. I used to be able to recite 11:41:52
4 them by memory. But, you know, customer 11:41:54
5 obsession. Now -- now I'm mixing between my 11:41:59
6 current role and Nike, but, you know, it's the "do 11:42:03
7 the right thing" and -- I -- I'd have to go back 11:42:05
8 and -- and refresh on them, but it's -- it's all 11:42:13
9 of the kind of core attributes that Nike uses 11:42:16
10 to -- as part of their hiring process. 11:42:20
11 Q. Okay. And you would assess candidates 11:42:23
12 against those principles when you're making hiring 11:42:28
13 decisions? 11:42:31
14 A. Absolutely. 11:42:31
15 Q. Okay. You also -- let's see. I just 11:42:33
16 want to check to make sure I'm not repeating 11:42:49
17 myself. 11:42:51
18 Okay. So maybe how about Daniel 11:42:59
19 Cogan? Did you hire him into a marketing 11:43:04
20 specialist role on your team? 11:43:06
21 A. I did. 11:43:08
22 Q. Recall when that was? 11:43:08
23 A. Around the same time period. He was a 11:43:11
24 little bit later than the others, if I recall. So 11:43:12
25 probably 2012-ish. 11:43:15

1 Q. Okay. And what factors did you 11:43:19
2 consider in hiring Mr. Cogan into the marketing 11:43:24
3 specialist role? 11:43:33

4 A. Yeah. With Daniel in particular, my 11:43:33
5 recollection is he had been working at Adidas 11:43:35
6 doing a very similar role there already. So he 11:43:38
7 had the relevant experience. And -- and so -- 11:43:40
8 and, again, had a -- had a big passion for sport 11:43:46
9 and for the categories that we were hiring into in 11:43:50
10 particular, which at the time were training and 11:43:53
11 football. So he -- he was -- so he was somebody 11:43:56
12 that -- that, again, he had the experience. 11:43:58

13 Q. Anything else? 11:44:03

14 A. No. 11:44:06

15 Q. So when you mentioned that he worked 11:44:08
16 at Adidas, I'm thinking not just related to 11:44:18
17 Mr. Cogan, but more broadly to the -- all of the 11:44:24
18 employees that you hired, would you consider like 11:44:27
19 the type of experience, prior work experience that 11:44:31
20 someone had like with certain -- working at a 11:44:37
21 certain place being more relevant to what you were 11:44:41
22 hiring for versus others? 11:44:43

23 MR. BLAKE: Vague and ambiguous. 11:44:46

24 A. It -- yeah. I mean, all the folks on 11:44:47
25 my team came from very diverse backgrounds as I 11:44:50

1 mentioned. You know, Kerry came from, you know, a 11:44:57
2 college role. Tracy came from a radio station. I 11:45:01
3 don't recall Chelsea's role before. You know, 11:45:07
4 Daniel came from Adidas. 11:45:13
5 So from my perspective, there was -- 11:45:14
6 there were key criteria that cut across, and it 11:45:17
7 was, you know, do -- do you -- do you meet the 11:45:22
8 sort of criteria and needs that -- that are 11:45:25
9 established by the -- the Nike key principles? Do 11:45:27
10 you -- you know, do you have a passion for the 11:45:32
11 brand and for the -- the sports and -- and for 11:45:35
12 sports, and do you then have a specific abilities 11:45:41
13 for the -- for these particular roles? 11:45:45
14 So, you know, can you build 11:45:47
15 relationships with accounts? Can you -- can you 11:45:49
16 work across the matrix and -- and build strategic 11:45:53
17 plans? Can you execute against those plans? And 11:45:59
18 can you show me examples of where you've been able 11:46:03
19 to do that? 11:46:05
20 So -- I -- I would say just by virtue 11:46:05
21 of the -- where each of these came from, I was not 11:46:09
22 looking for experience from specific companies at 11:46:13
23 all. It was more about their experience and their 11:46:16
24 ability to do the role. 11:46:19
25 (Reporter inquiry.) 11:46:27

1 THE WITNESS: She was -- she 11:46:28
2 actually came from -- my recollection is that she 11:46:29
3 was a Stanford graduate who was doing -- she was 11:46:32
4 being -- she was their digital specialist or 11:46:36
5 digital social person on -- for their basketball 11:46:38
6 or athletic department. 11:46:43
7 MS. ZABELE: So sorry. Maybe I'll 11:46:52
8 just ask for the record. Jan, were you able to 11:46:53
9 record Ms. Azavedo's answer for -- I believe I 11:46:59
10 asked her what factors she considered when hiring 11:47:02
11 Kerry Blake into the role? I'm just wondering if 11:47:04
12 we're covered here or if I should reask it. 11:47:09
13 THE REPORTER: I think I got it. I 11:47:20
14 just didn't hear the -- I think the word I missed
15 was Stanford. 11:47:22
16 MS. ZABELE: Ah, okay. No problem. 11:47:22
17 BY MS. ZABELE: 11:47:28
18 Q. Okay. And let's see. Also, Danielle 11:47:28
19 Weiss? Did you hire her for your team in a 11:47:41
20 marketing specialist role? 11:47:46
21 A. I did. 11:47:47
22 Q. Do you remember when that was? 11:47:50
23 A. Around the same time, 2012-ish. I 11:47:51
24 think she was one of my -- 11:47:59
25 Q. Okay. And -- 11:48:00

1 A. One of my early hires, so it would 11:48:01
2 have been either 2011 or 2012. 11:48:03

3 Q. And what factors did you consider in 11:48:06
4 deciding to hire Ms. Weiss for the marketing 11:48:12
5 manager -- marketing specialist position? 11:48:15

6 A. Yeah. So Danielle was a little bit of 11:48:17
7 a unique situation in that she was actually 11:48:19
8 working in one of our agencies as a program 11:48:22
9 manager working with us on -- on some different 11:48:24
10 agency work. So she was our -- she was our 11:48:29
11 account manager on the other side. 11:48:31

12 And when the role came open, because 11:48:34
13 we had had such a great relationship with her and 11:48:38
14 was able to view her abilities face -- you know, 11:48:41
15 directly because of the work she was doing on our 11:48:45
16 account. We -- you know, she was interested in 11:48:48
17 coming to Nike. 11:48:51

18 We interviewed her alongside other -- 11:48:53
19 other candidates, to my recollection, and -- and 11:48:55
20 so she was somebody that -- that we felt very 11:48:59
21 confident hiring because we had done -- again, had 11:49:01
22 direct access to her work on our behalf. 11:49:04

23 (Reporter inquiry.) 11:49:14

24 THE WITNESS: Sorry. And it's not 11:49:14
25 Schindler. It's Streicher. It's Streicher-Weiss. 11:49:19

1 Danielle Streicher. S-T-R-E-I-C-H-E-R. And then 11:49:20
2 she's hyphenated now. Weiss, W-E-I-S-S. 11:49:25
3 I apologize. It's not Schindler. 11:49:29
4 I'm getting a couple -- it's -- it's 11:49:32
5 Streicher-Weiss. 11:49:36
6 BY MS. ZABELE: 11:49:36
7 Q. That's okay. If you -- yeah. If at 11:49:37
8 any point you realize like you need to correct any 11:49:39
9 other names or anything like that, just speak up. 11:49:44
10 A. Okay. Thank you. 11:49:47
11 Q. No problem. Okay. Any other 11:49:48
12 individuals that you recall hiring when you were 11:50:01
13 in the director of digital NA role? 11:50:04
14 A. Yeah. I hired Ryan McDonald 11:50:07
15 (phonetic) and Stephanie Gray are the other two, 11:50:10
16 and then Lauren Anderson. 11:50:13
17 Q. Okay. Maybe let's start with Ryan 11:50:19
18 McDonald. What role did you hire him for? 11:50:27
19 A. He was our -- he was our -- 11:50:36
20 responsible for our kids category. So primarily 11:50:39
21 accounts like Kids Foot Locker and Dick's Sporting 11:50:42
22 Goods and their kids' business. Or young 11:50:47
23 athletes, I guess. 11:50:51
24 Q. And did you hire him for a marketing 11:50:53
25 manager or a marketing specialist role? 11:50:58

1	A.	Marketing specialist.	11:51:01
2	Q.	And do you recall when you hired him	11:51:04
3		into the marketing specialist role?	11:51:16
4	A.	I -- I don't, and the reason I can't	11:51:18
5		recall exactly is that he worked for us, I	11:51:25
6		believe, as a temp, sort of -- a temp employee for	11:51:28
7		a while, and then we were able to transition him	11:51:34
8		into a full-time role. And so I don't remember	11:51:37
9		exactly what part of his work was temp and when --	11:51:42
10		versus when he was full time.	11:51:48
11	Q.	Okay. So he was -- okay. So he was	11:51:51
12		employed with another company and like on	11:52:01
13		assignment at Nike?	11:52:05
14	A.	Yeah. My -- my recollection is that	11:52:06
15		we brought him in originally as -- as a -- as a	11:52:08
16		temporary worker, ETW, and -- and then were able	11:52:12
17		to transition his role into a full-time head	11:52:22
18		position.	11:52:26
19	Q.	Okay. And what factors did you	11:52:31
20		consider in deciding to hire Mr. McDonald into the	11:52:33
21		marketing specialist role?	11:52:38
22	A.	Again, kind of similar to Danielle.	11:52:39
23		He was someone who, you know, we were able to see	11:52:41
24		him working on the -- on the job through his	11:52:44
25		temporary -- ETW role. And so based on that, we	11:52:47

1 were able to -- to -- to feel confident about his 11:52:51
2 ability to do the job and to come into Nike as 11:52:55
3 a -- as a full-time employee to -- to do the -- to 11:52:59
4 step into that kids' role, kids' marketing role. 11:53:04
5 Q. Okay. Anything else? 11:53:11
6 A. No. 11:53:12
7 Q. All right. And you mentioned 11:53:16
8 Stephanie Gray. Is it G-R-A-Y? 11:53:19
9 A. G-R- -- I think it is an A, yes. 11:53:25
10 Q. Okay. And did you hire her into a 11:53:31
11 marketing specialist role as well? 11:53:36
12 A. I believe she was a marketing 11:53:45
13 specialist, yes. 11:53:46
14 Q. And did she -- when she became a 11:53:50
15 marketing specialist on your team, did she have a 11:54:00
16 particular group of accounts that she was 11:54:04
17 responsible for? 11:54:06
18 A. Yeah. She -- I -- I can't remember 11:54:08
19 exactly what the -- the overlap was, but she kind 11:54:16
20 of came in to manage -- I believe our -- some of 11:54:19
21 our training categories, the men's training work. 11:54:28
22 That's my recollection. 11:54:34
23 And the reason we brought her in is 11:54:39
24 that she had been doing a bunch of -- I believe 11:54:42
25 she worked either by contract or directly with 11:54:45

1 Microsoft doing some large-scale event work with 11:54:50
2 them, digital event and physical events. And we 11:54:53
3 knew -- I knew that we were going to have, with 11:54:58
4 training in particular and -- and events like 11:55:01
5 Super Bowl, that there was a potential for us 11:55:04
6 to -- to need someone to -- to engage with our 11:55:05
7 training team on -- and our accounts on what that 11:55:10
8 could look like. 11:55:13

9 So she -- she fit the bill from that 11:55:13
10 perspective because she had some good, kind of 11:55:16
11 on-the-ground event-specific work with Microsoft. 11:55:18

12 Q. What's a digital event? 11:55:35

13 A. I believe she, you know, would send 11:55:37
14 out social campaigns and, you know, create -- 11:55:42
15 create registrations for people to come onsite 11:55:50
16 through digital means. So, you know, you could -- 11:55:55
17 you could sign up and register to be part of the 11:55:57
18 event that was -- that was happening in a specific 11:56:00
19 location, that type of thing. I don't exactly 11:56:02
20 recall what she was doing, but that was my 11:56:04
21 recollection, is that she did some kind of 11:56:07
22 large-scale event planning with them that 11:56:09
23 happened -- 11:56:12

24 Q. Oh, okay. 11:56:13

25 A. That happened digitally and 11:56:13

1 physically. 11:56:15

2 Q. And when she joined your team, did she 11:56:16

3 do digital and physical events for Nike? 11:56:22

4 A. She was -- she was responsible for our 11:56:26

5 digital work specifically. 11:56:29

6 Q. Okay. And when you say she was 11:56:48

7 responsible for your digital work specifically, is 11:57:06

8 that like as compared to something else? 11:57:09

9 A. No. You just asked me if she did 11:57:12

10 physical and she was responsible for digital, not 11:57:15

11 physical events. 11:57:17

12 Q. I see. Okay. Thanks. 11:57:19

13 Okay. And I think I might not have 11:57:42

14 asked you yet what factors you considered in 11:57:46

15 deciding to hire Ms. Gray as a marketing 11:57:48

16 specialist on your team. 11:57:52

17 A. Yeah. Again, she was -- I knew of her 11:57:54

18 experience with Microsoft and doing similar work 11:57:57

19 with them, and so the -- you know, she seemed like 11:58:01

20 a good fit for the role that we were looking for. 11:58:05

21 Q. Got it. Anything else? 11:58:12

22 A. No. 11:58:13

23 Q. Okay. And then you mentioned Lauren 11:58:15

24 Anderson. 11:58:21

25 A. Yeah. 11:58:22

1 Q. And Ms. Anderson's an opt-in plaintiff 11:58:24
2 in this case. Correct? 11:58:27
3 A. That's right. 11:58:28
4 Q. Okay. What role did you hire 11:58:29
5 Ms. Anderson for? 11:58:33
6 A. She was hired in as a director, and 11:58:34
7 what I recall is she was -- she was going to be 11:58:45
8 more of a senior leader on my team to manage -- to 11:58:47
9 come in and manage -- we were kind of moving 11:58:52
10 accounts around, so she was -- I believe she was 11:58:58
11 coming in to manage the Eastbay account 11:58:59
12 specifically. 11:59:02
13 Q. Okay. And I think Ms. Anderson was 11:59:05
14 already working at Nike at the time that you hired 11:59:19
15 her. Correct? 11:59:22
16 A. That's right. 11:59:22
17 Q. So I guess when you hired her into 11:59:24
18 your group, was that a -- like a lateral? Would 11:59:28
19 that have been considered a lateral move? 11:59:31
20 A. Yes. Lateral move from a -- I would 11:59:33
21 say a smaller category. I think she was in the 11:59:37
22 golf team at the time into a larger kind of 11:59:39
23 opportunity. So from a scope perspective, it was 11:59:43
24 a larger scope, but a lateral move from an HR 11:59:47
25 perspective. 11:59:51

1 Q. Got it. And when you say that it was 11:59:53
2 a larger scope as compared to the golf team, how 11:59:58
3 so? 12:00:01

4 A. Eastbay's business is -- at the time 12:00:02
5 was multi, multimillions of dollars with Nike. 12:00:05
6 You know, they were one of our biggest accounts. 12:00:11
7 They were moving quickly with us. And so, you 12:00:14
8 know, I think from a scope perspective, they cover 12:00:17
9 every category, not just one category. And so the 12:00:20
10 role was -- was pretty -- pretty complex and in 12:00:25
11 depth. 12:00:31

12 Q. And maybe I'll just close up for her. 12:00:31
13 What factors did you consider in deciding to hire 12:00:46
14 Ms. Anderson onto your team in the director role? 12:00:52

15 A. You know, with Lauren, there's a few 12:00:55
16 different pieces. One, you know, we interviewed 12:00:57
17 and her and she seemed like, you know, passion, 12:01:00
18 capability, able to do the job just from the -- 12:01:05
19 from the Nike principles. 12:01:09

20 And then I would say a couple other 12:01:10
21 things. We had history. Right? We had all of 12:01:12
22 her coaching for excellence documentation so we 12:01:14
23 were able to look back and see what that -- see 12:01:18
24 what -- what -- how she had performed over the 12:01:22
25 course of her tenure at Nike. 12:01:25

1	And then she came highly recommended	12:01:26
2	by an internal team member, Cindy King, who knew	12:01:29
3	her well and recommended her as somebody to bring	12:01:33
4	into the team.	12:01:35
5	Q. Okay. Any other factors that you	12:01:40
6	considered in deciding to hire Ms. Anderson?	12:01:42
7	A. No.	12:01:45
8	Q. And did you tell me when that was that	12:01:48
9	you hired her?	12:01:52
10	A. She --	12:01:53
11	Q. I can't remember.	12:01:54
12	A. -- would have come in a little bit	12:01:55
13	later, kind of towards the end of my time. Maybe	12:01:56
14	in the 2013-2014. I can't recall exactly, but it	12:02:00
15	was later than the others.	12:02:04
16	Q. Okay. And -- and I think you	12:02:08
17	mentioned that -- you said, We had interviewed her	12:02:13
18	or we interviewed her. Who else interviewed	12:02:16
19	Ms. Anderson for the role that you can remember?	12:02:18
20	A. Cindy -- Cindy King did. My manager	12:02:23
21	at the time -- I'll forget his name. Who was it?	12:02:25
22	I can't -- I can't remember his name. He was not	12:02:31
23	my manager for very long. So kind of the -- you	12:02:34
24	know, the -- the key folks that she would be	12:02:39
25	working with.	12:02:41
		Page 72

1 what factors did you consider in deciding to offer 12:14:03
2 Ms. Anderson the \$108,000 as a starting salary in 12:14:09
3 that director role? 12:14:14
4 A. I -- I mean, for the most part, we -- 12:14:17
5 I relied on HR to make those recommendations and 12:14:22
6 very rarely questioned them. And so they made the 12:14:26
7 recommendation. It seemed reasonable. And it 12:14:30
8 was -- it was based on, you know, prior work 12:14:34
9 experience and compensation. It gave her a good 12:14:38
10 kind of reason to come over to the team if she was 12:14:42
11 having any questions because it was an increase in 12:14:44
12 salary. So that was -- that was all that goes 12:14:47
13 into the decision. 12:14:49

14 Q. Got it. And do you recall approving 12:14:51
15 compensation for the other members of your team 12:15:08
16 that you hired that we've discussed? 12:15:13

17 MR. BLAKE: Objection. Vague and 12:15:16
18 ambiguous. 12:15:21

19 A. Yes. Yes. I would have approved 12:15:21
20 their salaries as part of the hiring process. 12:15:22

21 BY MS. ZABELE: 12:15:32

22 Q. Okay. Okay. Anyone else you recall 12:16:16
23 hiring on your team when you were in the director 12:16:17
24 of digital NA role? 12:16:20

25 A. Not that I recall, no. 12:16:23

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1	Q. Did you ever make any hiring	13:37:25
2	recommendations or decisions for an employee at	13:37:26
3	Nike based on their gender?	13:37:29
4	MR. BLAKE: Objection. Vague and	13:37:32
5	ambiguous. Compound.	13:37:32
6	A. No. I never made a decision on hiring	13:37:33
7	based on gender.	13:37:38
8	BY MS. ZABELE:	13:37:41
9	Q. What about compensation? Did you ever	13:37:41
10	make any compensation decisions or recommendations	13:37:44
11	for an employee at Nike based on their gender?	13:37:46
12	MR. BLAKE: Objection. Vague and	13:37:48
13	ambiguous. Compound.	13:37:50
14	A. No.	13:37:51
15	BY MS. ZABELE:	13:37:54
16	Q. Oh. One thing I wanted to ask. When	13:38:05
17	you were the director of digital,	13:38:07
18	direct-to-consumer in that role at Nike from	13:38:09
19	October 2007 to May 2011, were there any employees	13:38:13
20	who were performing similar roles to yours?	13:38:17
21	A. Yeah. Jeff Lyman was in a very	13:38:19
22	similar role managing work and campaigns that	13:38:24
23	were -- that were similar to mine.	13:38:30
24	(Reporter inquiry.)	13:38:42
25	THE WITNESS: Yeah. It's L-Y-M-A-N.	13:38:43

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1 Q. And sounds like this isn't the case, 13:50:04
2 but I'll just ask. Did you hold any other jobs in 13:50:09
3 between the time that you left Intel Corporation 13:50:13
4 in October 2007, and started working at Nike in 13:50:15
5 October of 2007? 13:50:19

6 A. No. 13:50:24

7 Q. Okay. And the -- the role that you 13:50:24
8 started in at Nike in October 2007, the director 13:50:35
9 of digital, direct-to-consumer, that's a role that 13:50:39
10 you had applied for. Right? 13:50:40

11 A. That's my recollection, yes. 13:50:42

12 Q. Do you recall how you learned about 13:50:47
13 that opportunity? 13:50:51

14 A. Yeah. I remember the recruiter called 13:50:53
15 me, Angel Foss, F-O-S-S. She called me and 13:50:56
16 reached out for a phone screen is what I remember. 13:51:03

17 Q. Okay. Do you recall if you had 13:51:17
18 submitted an application and then Ms. Foss reached 13:51:18
19 out to you or if she -- if Ms. Foss called you out 13:51:20
20 of the blue? 13:51:26

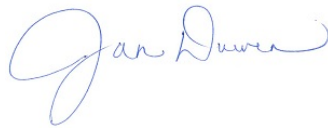
21 A. I don't remember if I applied for this 13:51:27
22 job specifically or if I applied for a job and 13:51:33
23 they reached out to me about this job 13:51:37
24 specifically. I can't tell you which was -- it's 13:51:40
25 been so long, I don't remember exactly what the -- 13:51:42

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CERTIFICATE

I, Jan R. Duiven, CSR, FCRR, CRC, RPR, a Certified Shorthand Reporter for the State of Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, PAIGE AZAVEDO appeared virtually before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and that the foregoing transcript, pages 1 to 245, both inclusive, constitutes a full, true, and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand at Eugene, Oregon, this 12th day of February, 2021.



Jan R. Duiven, CSR, FCRR, CRC, RPR

CSR No. 96-0327

Expiration Date: September 30, 2023

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Cahill, et al v. Nike
Paige Azavedo Deposition Errata

Page : Line	Reads	Should Read	Reason
132 : 16	Sysco	Cisco	To correct a transcription error
142 : 8	Yes	I'm not sure if the role exists today.	To clarify and correct an inadvertent error
169 : 20	Tim Parks	Tim Perks	To correct a transcription error
170 : 11	Tim Parks	Tim Perks	To correct a transcription error
219 : 20	Tim Parks	Tim Perks	To correct a transcription error
242 : 17	Bruce Stall	Bruce Stahl	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 03 / 12 / 2021 in Portland, OR.



Paige Azavedo

1106158

1 did see those. They were produced by Nike as 13:06:12
2 part of that subpoena. 13:06:18

3 MS. ZABELE: Okay. Well, we can maybe 13:06:19
4 take a look at those later then. Although, I 13:06:20
5 will say we needed to produce them because the 13:06:27
6 representation was that plaintiffs, including 13:06:30
7 Ms. Baumel, did not have them in her possession. 13:06:33

8 So if Ms. Baumel does have them in her 13:06:35
9 possession it would still be responsive to our 13:06:38
10 discovery and she would need to produce them. 13:06:40

11 Q. (By Ms. Zabele) All right. So earlier 13:06:44
12 before the break we were talking about your hire 13:06:51
13 at Nike and you mentioned your offer letter. So 13:06:53
14 let's take a look at that. 13:06:56

15 (Deposition Exhibit Number 171 marked 13:06:56
16 for identification.) 13:06:56

17 Q. (By Ms. Zabele) Okay. I have marked as 13:07:31
18 Exhibit 171 a two-paged document, Bates stamped 13:07:32
19 PLF_025121 to PLF_025122. It appears to be 13:07:36
20 Ms. Baumel's offer letter from Nike. 13:07:46

21 Ms. Baumel, will you pull up Exhibit 171 13:07:49
22 and let me know when you have it in front of 13:07:53
23 you. 13:07:55

24 A. Yes, I see it. 13:07:55

25 Q. Okay. And is Exhibit 171 your offer 13:07:57

1	letter from Nike dated November 17th, 2016, for	13:08:00
2	the position of data platform product manager?	13:08:04
3	A. Yes.	13:08:08
4	Q. Okay. And was data platform product	13:08:12
5	manager your job title when you started at Nike?	13:08:15
6	A. It must have been if that's what was on	13:08:19
7	the offer letter.	13:08:20
8	Q. Okay. So you have no reason to doubt	13:08:21
9	that the position that's listed here is	13:08:23
10	inaccurate?	13:08:26
11	A. I have no reason to doubt that, no.	13:08:27
12	Q. Okay. So you mentioned you had -- I'll	13:08:30
13	just ask this, was data platform product manager	13:08:38
14	the position that you had applied to at Nike?	13:08:41
15	A. Yes.	13:08:43
16	Q. Okay. So you were hired for the	13:08:44
17	position you applied to, correct?	13:08:47
18	A. Yes.	13:08:48
19	Q. Earlier you had mentioned you had	13:08:50
20	interviewed for the position, correct?	13:08:55
21	A. Yes.	13:08:56
22	Q. Okay. Who did you interview with?	13:08:57
23	A. I interviewed with all of the -- well,	13:09:01
24	first I interviewed with the recruiter over the	13:09:05
25	phone, then I interviewed with the hiring	13:09:07

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C E R T I F I C A T E

I, Teresa L. Dunn, a Certified Shorthand Reporter for Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, CHRISTINA BAUMEL appeared virtually before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and that the foregoing transcript, pages 1 to 327, both inclusive, constitutes a full, true and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand and CSR stamp at Vancouver, Washington, this 29th day of January, 2021.



TERESA L. DUNN,
Certified Shorthand Reporter
Certificate No. 00-0367
Expiration Date: 6/30/2023

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Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: January 26, 2021

Deponent: Christina Baumel

Page	Line(s)	Reads	Should Read	Reason
34	12	former CEO of Nike	former Pepsi CEO	To correct an inadvertent error
35	19	Drew Sattine	Drew Stattine	To correct a misspelling error
36	1	Sattine	Stattine	To correct a misspelling error
39	20	so a company	to a company	To correct an inadvertent error
58	18	Christoph's agreement actually was.	Christoph's job or scope of responsibilities actually was.	To clarify and provide additional details
77	20	Andrea	Andrea Blackman	To clarify and provide additional details
98	21	Dedupe	Hadoop	To correct a transcription error
106	2	uses a communication tool	used as a communication tool	To correct a transcription error
113	21-22	Marci Machaun	Marcy McCoun	To correct a misspelling error
121	25	Marci Machaun	Marcy McCoun	To correct a misspelling error
124	1	Marci	Marcy McCoun	To correct a misspelling error
125	19	Marci Machaun	Marcy McCoun	To correct a misspelling error
127	4	project management	product management	To correct a transcription error
133	20	Marci	Marcy McCoun	To correct a misspelling error
134	5	Ms. Machaun	Ms. McCoun	To correct a misspelling error
138	7	Marci	Marcy McCoun	To correct a misspelling error
141	1	Marci	Marcy McCoun	To correct a misspelling error
141	5	Marci	Marcy McCoun	To correct a misspelling error
141	15	Marci	Marcy McCoun	To correct a misspelling error
145	6	Marci	Marcy McCoun	To correct a misspelling error
145	14	Marci	Marcy McCoun	To correct a misspelling error
145	17	Marci	Marcy McCoun	To correct a misspelling error
146	16	Marci	Marcy McCoun	To correct a misspelling error
146	17	Marci	Marcy McCoun	To correct a misspelling error
146	18	Marci	Marcy McCoun	To correct a misspelling error
147	2	Marci	Marcy McCoun	To correct a misspelling error
148	19	Marci	Marcy McCoun	To correct a misspelling error
150	9	Marci	Marcy McCoun	To correct a misspelling error
160	1	Drew Sattine	Drew Stattine	To correct a misspelling error
160	5	Marci	Marcy McCoun	To correct a misspelling error
167	3	sort of Damocles	sword of Damocles	To correct a transcription error
168	18	Drew Sattine	Drew Stattine	To correct a misspelling error
190	10	whose name I'm going to forget,	whose name is James Healey,	To clarify and provide additional details
191	6	means always and I means never.	means never and I means always.	To correct an inadvertent error

191	7-9	So the two questions related to effective communication the rating scale had been switched.	So the rating scale for the two questions related to my communication skills were inverted, and the numbers mean different things for these questions than what they meant for questions on pages 1, 2, and 4. The custom template that Michael Benno created for my performance evaluation was 4 or 5 pages long. By contrast, the standard Product Manager 360-degree feedback survey template mandated by James Healey and used for male comparators like Mark France's performance evaluation, had a far smaller number of questions and were only 1-2 pages long.	To clarify and provide additional details
203	11	name is Wasserman	name is Sullivan	To correct an inadvertent error
205	9	Sattine, S-A-T-T-I-N-E	Stattine, S-T-A-T-T-I-N-E	To correct a misspelling error
205	14	Drew Sattine	Drew Stattine	To correct a misspelling error
208	17	Drew Sattine	Drew Stattine	To correct a misspelling error
211	3	Marci	Marcy McCoun	To correct a misspelling error
216	24	Drew Sattine	Drew Stattine	To correct a misspelling error
218	4	Drew Sattine	Drew Stattine	To correct a misspelling error
221	24	Sattine	Stattine	To correct a misspelling error
233	4	Marci	Marcy McCoun	To correct a misspelling error
240	12	Drew Sattine	Drew Stattine	To correct a misspelling error
247	23	Drew Sattine	Drew Stattine	To correct a misspelling error
248	12	Drew Sattine	Drew Stattine	To correct a misspelling error
260	13	Marci	Marcy McCoun	To correct a misspelling error
260	21	Sattine	Stattine	To correct a misspelling error
261	11	\$40,000	\$45,000	To correct an inadvertent error
261	18	\$40,000	\$45,000	To correct an inadvertent error
268	21	March 31st	May 31st	To correct an inadvertent error
268	23	Drew Sattine	Drew Stattine	To correct a misspelling error
271	12	Drew Sattine	Drew Stattine	To correct a misspelling error
271	24	Drew Sattine	Drew Stattine	To correct a misspelling error
273	24	hire box.	higher box.	To correct a transcription error
275	7	Drew Sattine	Drew Stattine	To correct a misspelling error
278	7	Drew Sattine	Drew Stattine	To correct a misspelling error
293	11	director-level goal	director-level role	To correct a transcription error

298	9	Bringham	Brigham	To correct a misspelling error
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Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

3/1/2021 | 9:28 PM PST

Executed on _____ in Portland, Oregon.

DocuSigned by:

Christina Baumel
4353AA3A7960495...

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,)
Plaintiffs,)
VS.) NO. 3:18-CV-01477-JR
NIKE, INC., an Oregon)
Corporation,)
Defendants.)
_____)

VIDEOCONFERENCE DEPOSITION OF:

KELLY CAHILL
WEDNESDAY, NOVEMBER 18, 2020
12:10 P.M.

REPORTED BY:

Sari M. Knudsen
CSR No. 13109

1	(Whereupon Defendants' Exhibit 5	02:08:41
2	was marked for identification)	02:08:41
3	BY MS. DAVIS:	02:08:41
4	Q Okay. Do you recognize Exhibit 5 as your	02:08:49
5	offer letter to become a Nike employee dated	02:08:53
6	October 16, 2013?	02:08:55
7	A Yes.	02:09:01
8	Q Okay. And this was after the one-year	02:09:04
9	period of time you worked as the Digital Brand	02:09:06
10	Senior Producer for Nike.com as a contractor.	02:09:11
11	Correct?	02:09:12
12	A Yes. Close to one year. Correct.	02:09:15
13	Q Okay. And when you were originally hired	02:09:17
14	as a Nike employee, your start date was October 21,	02:09:24
15	2013. At least as reflected on Exhibit 5.	02:09:28
16	Do you see that?	02:09:29
17	A Yes.	02:09:31
18	Q Okay. And do you believe that that was	02:09:33
19	your start date at Nike as a Nike employee,	02:09:36
20	October 21, 2013?	02:09:37
21	A I believe that to be correct, yes.	02:09:41
22	Q Okay. And your title when you were hired	02:09:43
23	as a Nike employee was Global Digital Cross-Category	02:09:45
24	Director. Correct?	02:09:51
25	A Of Nike.com, yes.	02:09:53

1	HQ --	02:13:59
2	MR. GOLDSTEIN: Objection.	02:14:00
3	BY MS. DAVIS:	02:14:00
4	Q -- to the role you were performing?	02:14:02
5	A Yeah. It was in -- it was in global --	02:14:06
6	sorry. Not global. North America. So there were	02:14:09
7	regions -- the regions at HQ had similar	02:14:13
8	responsibilities.	02:14:13
9	Q And what were the job titles of the people	02:14:18
10	who held those roles, if you know?	02:14:20
11	A I don't remember.	02:14:24
12	Q Do you know the names of any of the people	02:14:25
13	who held those roles?	02:14:28
14	A I do not remember.	02:14:30
15	Q Okay. As you sit here today, are there any	02:14:32
16	documents that you believe would refresh your	02:14:34
17	recollection?	02:14:35
18	A If there were -- if there were org charts,	02:14:38
19	that could -- that would help.	02:14:54
20	Q While you were Global Digital	02:15:12
21	Cross-Category Director for Nike.com, you were Band	02:15:18
22	E5. Is that accurate?	02:15:22
23	A I know it was E. The 5 -- the 5 is -- I	02:15:26
24	don't recall the 5.	02:15:28
25	Q Okay. And do you know anything about the	02:15:36

1	job name that Nike has in its official system for	02:15:41
2	the job you held?	02:15:45
3	A You mean outside of --	02:15:47
4	MR. GOLDSTEIN: Objection.	02:15:47
5	THE WITNESS: -- the offer letter title? Is	02:15:51
6	that what you are asking? If there is something	02:15:52
7	else in the system besides what you are referring to	02:15:54
8	my job title as?	02:15:57
9	BY MS. DAVIS:	02:15:57
10	Q Sure. Have you ever heard of a job name	02:16:00
11	Director Product Presentation?	02:16:04
12	A Oh, you mean within the band of director?	02:16:08
13	Oh, sure. There's -- I'm sure there's several	02:16:10
14	different director titles at Nike.	02:16:13
15	Q Okay. Do you know if -- when you were in	02:16:16
16	the Global Digital Cross-Category Director for	02:16:19
17	Nike.com role, that your kind of job name in Nike's	02:16:25
18	system was Director Product Presentation? Was that	02:16:29
19	ever communicated to you?	02:16:32
20	A No.	02:16:32
21	Q Okay. Are you familiar with Nike's job	02:16:36
22	families?	02:16:37
23	A I'm -- I thought I was.	02:16:43
24	Q Okay. In the role as Global Digital	02:16:47
25	Cross-Category Director for Nike.com, Nike's data	02:16:53

1 shows that you were in the job family of Product 02:16:55
2 Presentation. 02:16:57
3 Do you know one way or the other whether 02:17:00
4 that was accurate? 02:17:01
5 A I mean, if it -- if there was a document 02:17:04
6 that shows that's the structure that myself and the 02:17:10
7 organization was in, that would be helpful. Because 02:17:13
8 I did have peers that were directors in my -- you 02:17:17
9 know, in my group that should have then had the 02:17:21
10 same -- that same category of role. 02:17:28
11 Q Okay. Have you -- I'm just trying to 02:17:32
12 figure out if you know. When you were at Nike, did 02:17:35
13 you ever know you were in the job family Product 02:17:37
14 Presentation -- 02:17:39
15 A No. 02:17:41
16 Q -- if that means anything to you. Okay. 02:17:43
17 Did you know that you were in the 02:17:44
18 functional area of marketing? 02:17:46
19 A Yes. 02:17:48
20 Q Okay. Got it. 02:17:49
21 Were you aware of any kind of job family or 02:17:55
22 grouping that you were a part of other than kind of 02:17:57
23 a marketing function? 02:17:59
24 MR. GOLDSTEIN: Objection. 02:18:00
25 THE WITNESS: I don't other than Nike.com. 02:18:08

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1 A Yes. He did have one. One to my 02:25:43
2 knowledge, yes. 02:25:45
3 Q Also a manager? 02:25:46
4 A Also a manager, yes. 02:25:48
5 Q Did he supervise anyone else to your 02:25:50
6 knowledge? 02:25:50
7 A Not to my knowledge. 02:26:03
8 Q All right. 02:26:11
9 In approximately December of 2014, you 02:26:14
10 moved into a new role called Brand Director for 02:26:19
11 Nike.com. Is that correct? 02:26:21
12 MR. GOLDSTEIN: Objection. 02:26:23
13 THE WITNESS: If I could see the -- a document 02:26:26
14 that shows that to jog my memory of the exact title, 02:26:30
15 that would be helpful. 02:26:31
16 BY MS. DAVIS: 02:26:31
17 Q Okay. What would -- how would you 02:26:33
18 articulate your title when you changed jobs in 02:26:36
19 December of 2014? 02:26:37
20 A North America Nike.com brand -- Digital 02:26:45
21 Brand Director or as -- 02:26:47
22 Q Okay. 02:26:48
23 A -- as reflected on my resume. 02:26:49
24 Q Okay. Was that considered a promotion? 02:27:08
25 A No. 02:27:08

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1 MR. GOLDSTEIN: Objection. 02:27:10

2 THE WITNESS: No -- no. It was a lateral -- a 02:27:14

3 lateral move. 02:27:16

4 BY MS. DAVIS: 02:27:16

5 Q Okay. Did you apply for the -- for it? 02:27:21

6 A I believe I did. I would have to see the 02:27:27

7 application to jog my memory officially. 02:27:30

8 Q Okay. We'll look at those in a bit. 02:27:34

9 A Okay. 02:27:34

10 Q Were you responsible -- as a North America 02:27:56

11 Nike.com Digital Brand Director, were you 02:27:59

12 responsible for any specific categories? 02:28:00

13 A No. Again, cross-category and all 02:28:08

14 categories at the time. 02:28:17

15 Q Okay. 02:28:17

16 A Again, that was -- again, that was a 02:28:23

17 newly-created role. 02:28:28

18 Q Okay. By "newly created," you mean that no 02:28:33

19 one had held the role before you? 02:28:36

20 MR. GOLDSTEIN: Objection. 02:28:37

21 BY MS. DAVIS: 02:28:37

22 Q I didn't get your answer. Sorry. 02:28:41

23 A To my knowledge, that is correct. 02:28:45

24 Q Okay. And you held the role of North 02:28:52

25 America Nike.com Digital Brand Director until you 02:28:55

1	left Nike in July of 2017. Correct?	02:28:59
2	A Correct.	02:29:09
3	Q Did you change jobs from Global Digital	02:29:34
4	Cross-Category Director for Nike.com to North	02:29:41
5	America Nike.com Digital Brand Director by choice?	02:29:46
6	A Yes.	02:29:47
7	Q Why did you want to change jobs?	02:29:50
8	A I had been in global for a while and done	02:29:55
9	what I thought I wanted to do. And the new role in	02:30:00
10	North America brought me closer into the brand, the	02:30:07
11	brand roles I was seeking as well as the	02:30:09
12	merchandising roles that had interested me.	02:30:19
13	Q Okay. And what do you mean by a "brand	02:30:21
14	role"?	02:30:23
15	A So there are -- so I was in the digital	02:30:25
16	brand -- what was once known as the digital brand	02:30:30
17	function, and then there are true brand category	02:30:32
18	functions that sit -- kind of sit outside of digital	02:30:38
19	brand within the matrix that were, you know,	02:30:44
20	something I was looking to get into.	02:30:46
21	Q Could you give me an example of a brand	02:30:53
22	category function?	02:30:55
23	A Oh, sure. Like Running. Like Women's	02:30:57
24	Brand Director, Men -- you know, Running Brand	02:31:01
25	Director.	02:31:06

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1 Q So -- 02:41:32

2 A -- until January of 2017 maybe, if he -- 02:41:36

3 that's when he moved. I don't recall off the top of 02:41:39

4 my head. I'd have to see when he actually 02:41:41

5 officially left. But... 02:41:43

6 Q Okay. So it's your testimony that you had 02:41:45

7 a dotted-line reporting relationship to Mr. Tawiah 02:41:49

8 from approximately December, 2014 until January, 02:41:55

9 2017 or whenever Mr. Tawiah moved jobs? 02:41:58

10 A Yes. That's correct. 02:41:59

11 MR. GOLDSTEIN: Objection. 02:42:00

12 BY MS. DAVIS: 02:42:00

13 Q Okay. And then you resigned effective 02:42:02

14 July 25, 2017. Correct? 02:42:08

15 A That is correct. 02:42:08

16 MR. GOLDSTEIN: Objection. 02:42:08

17 BY MS. DAVIS: 02:42:08

18 Q As North America Nike.com Digital Brand 02:42:34

19 Director, did you supervise any employees? 02:42:40

20 A I did, yes. 02:42:41

21 Q How many? 02:42:43

22 MR. GOLDSTEIN: Objection. 02:42:44

23 THE WITNESS: I think to clarify, there was 02:42:48

24 different -- different amounts of people at 02:42:50

25 different times. So I don't -- I don't know how to 02:42:55

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1 THE WITNESS: To my knowledge, yes. 03:03:44

2 BY MS. DAVIS: 03:03:44

3 Q And you specifically applied for that 03:03:48

4 director position. Correct? 03:03:51

5 A I did at the -- at the request of Nike to 03:03:56

6 apply -- directly apply. 03:03:59

7 Q Okay. Yeah. Let's talk about that, how 03:04:02

8 that changed. 03:04:03

9 So you had been working for Nike -- you had 03:04:08

10 been working for Nike as a contractor for about a 03:04:11

11 year at this point. Correct? 03:04:12

12 A Correct. 03:04:13

13 Q And how did it come about that you decided 03:04:15

14 or you applied for a job with Nike? 03:04:21

15 A To clarify, as in this -- this current job 03:04:24

16 you are referring to, the director position? 03:04:27

17 Q Yeah. The global -- the Nike.com Global 03:04:30

18 Digital Cross-Category Director. 03:04:35

19 A There -- so in this context. 03:04:38

20 So prior to this role and the Nike.com 03:04:43

21 global organization, there wasn't one. And I was 03:04:46

22 tasked, along with my boss at the time, Dorinda, as 03:04:53

23 part of a committee to help formulate what a global 03:04:57

24 Nike.com function would look like and how it would 03:05:01

25 operate. So I was part of that committee. 03:05:06

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1 And then as -- the outcome of part of that 03:05:12
2 was that organization forming, Pamela becoming the 03:05:18
3 leader, the senior director of that organization, 03:05:25
4 earlier in the year, and them filling -- filling 03:05:30
5 positions for that organization. 03:05:36

6 I certainly wanted to be a full-time 03:05:40
7 employee at Nike and was actually interest -- more 03:05:47
8 interested in a position that was becoming open 03:05:50
9 within the Women's digital brand category by someone 03:05:58
10 leaving that position. So I had initially expressed 03:06:02
11 interest in that position, which was a senior 03:06:07
12 manager, position within the same organization and 03:06:12
13 function that I was currently in as a contractor. 03:06:18

14 So that is where I was actually -- or 03:06:23
15 actually thought I was going where the signs were 03:06:25
16 directing me to go. I was literally on a plane 03:06:33
17 going to London to shadow the person in that current 03:06:37
18 role because, to me, that was the job I was taking. 03:06:41

19 And I received a phone call from the Vice 03:06:45
20 President of Global Digital Brand that they wanted 03:06:51
21 me to be the director -- this position we're talking 03:06:57
22 about -- global director of Nike.com cross-category 03:07:01
23 and that was the role I was to be taking. 03:07:07

24 So conversations happened around what that 03:07:11
25 looked like. I spoke with Pamela. And all these 03:07:18

1 conversations happened before officially applying to 03:07:21
2 that job in this document as a response that you 03:07:25
3 showed. 03:07:27

4 Q Okay. Do you know whether anyone else 03:07:35
5 applied to the Nike.com Global Digital 03:07:36
6 Cross-Category Director role that you ultimately 03:07:40
7 filled? 03:07:41

8 A I do not know. 03:07:42

9 MR. GOLDSTEIN: Objection. 03:07:45

10 BY MS. DAVIS: 03:07:45

11 Q You said you spoke with Pamela about the 03:07:50
12 role before you applied. Did you consider that to 03:07:53
13 be an interview for the job? 03:07:59

14 A I did not consider that to be an interview 03:08:01
15 for the job. 03:08:04

16 Q Did anyone interview you for the role of -- 03:08:06
17 interview you for the role of Nike.com Global 03:08:09
18 Digital Cross-Category Director? 03:08:14

19 A No official interview, no. 03:08:25

20 Q The Women's Digital Brand category Senior 03:08:28
21 Manager position, do you know what band that opening 03:08:32
22 was? 03:08:35

23 A Officially, I do not know. But typically, 03:08:38
24 to my knowledge, managers are a U band. 03:08:53

25 Q So a lower-level job than the director job 03:08:58

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1 you ultimately took. Is that correct? 03:09:00

2 A That is correct. 03:09:00

3 Q And you said you got a phone call from the 03:09:03

4 V.P. Global Digital Brand who wanted you to take the 03:09:06

5 global director job. Who was the V.P. Global 03:09:09

6 Digital Brand? 03:09:10

7 A Jesse Stollak. 03:09:20

8 Q Okay. And Stollak is S-T-O-L-L-A-K. 03:09:24

9 Right? 03:09:26

10 A I believe so. 03:09:27

11 MR. GOLDSTEIN: Objection. Nike knows this. 03:09:32

12 BY MS. DAVIS: 03:09:32

13 Q And is Jesse a male or female? 03:09:36

14 A Male. 03:09:53

15 Q You were eventually -- well, let me back 03:10:01

16 up. 03:10:01

17 Did you apply to any other jobs at Nike 03:10:05

18 while you were working as a contractor? 03:10:08

19 MR. GOLDSTEIN: Objection. 03:10:09

20 THE WITNESS: To my knowledge, I did not. But I 03:10:12

21 would -- I would need to see if there are any 03:10:14

22 documents to prove -- to show that I did. 03:10:17

23 BY MS. DAVIS: 03:10:17

24 Q Okay. You don't remember applying? 03:10:18

25 A I don't remember, no. 03:10:31

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1 Q And so we looked earlier today at 03:10:37
2 Exhibit 5. Can you flip back to that? It's your 03:10:40
3 offer letter for the Nike.com Global Digital 03:10:42
4 Cross-Category Director role. 03:10:48
5 A Yes. 03:10:49
6 Q Okay. Did you speak with anyone else at 03:10:54
7 Nike about this job, other than Pamela, before you 03:10:57
8 received the offer letter? 03:11:00
9 A Jesse Stollak. 03:11:02
10 Q Okay. Anyone else? 03:11:05
11 MR. GOLDSTEIN: Objection. 03:11:05
12 THE WITNESS: H.R. -- someone in H.R. I would 03:11:10
13 have had to have -- have contacted to apply 03:11:16
14 officially. 03:11:20
15 BY MS. DAVIS: 03:11:20
16 Q Anyone else? 03:11:24
17 A I don't remember anyone outside of that. 03:11:27
18 Q Okay. What do you recall about your 03:11:28
19 conversations with Pamela about this role, Nike.com 03:11:33
20 Global Digital Cross-Category Director? 03:11:38
21 A I don't remember much. I just remember her 03:11:43
22 really wanting me to take this role, the opportunity 03:11:47
23 of the role. We didn't talk -- we didn't talk 03:11:53
24 specific details, high-level job responsibilities 03:11:57
25 given that it was kind of a new organization. We 03:12:03

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1 had talked prior to the job. I knew her. So you 03:12:09
2 know, we talked about her role in the organization 03:12:11
3 since I was a part of the committee. But minimal 03:12:14
4 about the job specifically. 03:12:15

5 Q Okay. Anything else you recall about your 03:12:20
6 conversation or conversations with Pam about the 03:12:24
7 role? 03:12:27

8 A Nothing specifically with Pamela about the 03:12:30
9 role. 03:12:31

10 Q Okay. How about Jesse Stollak? What do 03:12:37
11 you recall about your conversation or conversations 03:12:38
12 with Mr. Stollak? 03:12:41

13 MR. GOLDSTEIN: Objection. 03:12:43

14 THE WITNESS: That one is a little tougher and 03:12:46
15 more quick. 03:12:47

16 What I do recall is that phone call on the 03:12:50
17 airplane where he said basically this is -- this is 03:12:55
18 the role I need to take and that would be the right 03:13:03
19 role, you know, for me and for Nike.com. 03:13:07

20 BY MS. DAVIS: 03:13:07

21 Q Okay. Do you recall any other 03:13:13
22 conversations with Mr. Stollak before you received 03:13:15
23 the offer letter? 03:13:18

24 MR. GOLDSTEIN: Objection. 03:13:19

25 THE WITNESS: Not -- I do not recall with 03:13:21

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1	Mr. Stollak. I'm sure -- I'm sure there were some,	03:13:24
2	but I don't remember.	03:13:25
3	BY MS. DAVIS:	03:13:25
4	Q Okay. Do you have any notes or any	03:13:28
5	documents that would refresh your recollection?	03:13:32
6	A I -- I don't have any personally. But if	03:13:37
7	there were e-mails that Nike would still have, that	03:13:41
8	could help refresh.	03:13:42
9	Q Okay. And then you said that you likely	03:13:47
10	had a conversation with H.R. before you received the	03:13:51
11	offer letter?	03:13:51
12	A Yes.	03:13:52
13	Q Do you recall who you spoke with in H.R.?	03:13:53
14	A I don't know. I don't know who.	03:13:56
15	There's -- it would have been the H.R. person over	03:14:02
16	Pamela's organization.	03:14:05
17	Q Okay. Do you have a specific recollection	03:14:08
18	of having a conversation with some H.R. -- someone	03:14:11
19	in H.R., or are you assuming that you did based on	03:14:16
20	the sequence of events?	03:14:18
21	A No. I remember specific conversation with	03:14:21
22	H.R. as part of this process.	03:14:23
23	Q Okay. You just don't remember who --	03:14:26
24	A Yeah. I don't -- I do not remember the	03:14:28
25	name of who.	03:14:30

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1 Q Okay. What do you recall discussing with 03:14:31
2 H.R.? 03:14:32

3 A I recall discussing formal application -- 03:14:38
4 to submit a formal application where I could do 03:14:41
5 that. I remember discussing salary and pay. They 03:14:47
6 asked me what I had made prior or what I currently 03:14:51
7 made as a Flex contractor. 03:14:57

8 We discussed what the role -- like what the 03:15:01
9 benefits were of this role moving forward and what 03:15:07
10 that looked like. 03:15:12

11 Q Anything else? 03:15:15

12 MR. GOLDSTEIN: Objection. 03:15:16

13 THE WITNESS: Yeah. Not that I can -- not that 03:15:18
14 I can clearly recall. 03:15:20

15 BY MS. DAVIS: 03:15:20

16 Q Do you have any notes or any other 03:15:23
17 documents that would refresh your recollection? 03:15:26

18 A I don't personally have unless there is, 03:15:28
19 you know, a calendar date with that H.R. person that 03:15:34
20 could help refresh. 03:15:36

21 Q Okay. You said that you discussed salary 03:15:38
22 and pay and that they asked you what you made at 03:15:43
23 Flex. What did you tell them that you made at Flex? 03:15:45

24 A \$90,000 as a salary. 03:15:48

25 Q And that's what you told the H.R. person? 03:15:55

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1	A	Yes.	03:15:59
2	Q	At Flex, did you have any opportunity to	03:16:01
3		earn bonus or any other compensation component?	03:16:04
4	A	No.	03:16:09
5	Q	Did you discuss -- before you received the	03:16:11
6		offer letter at Exhibit 5, did you discuss what	03:16:13
7		you -- what salary you wanted to earn or express any	03:16:18
8		salary expectations?	03:16:19
9	A	No.	03:16:27
10		MR. GOLDSTEIN: Objection.	03:16:27
11		BY MS. DAVIS:	03:16:27
12	Q	Do you recall any other discussions about	03:16:29
13		salary or compensation generally, before you	03:16:34
14		received Exhibit 5, with anyone at Nike about this	03:16:37
15		job?	03:16:39
16	A	Not outside of H.R. No.	03:16:42
17	Q	Any other conversations with anyone in H.R.	03:16:45
18		specifically about compensation for this Nike.com	03:16:49
19		Global Digital Cross-Category Director job before	03:16:54
20		you received Exhibit 5 that you haven't already told	03:16:56
21		me?	03:16:57
22	A	No.	03:16:58
23		MR. GOLDSTEIN: Objection.	03:16:58
24		BY MS. DAVIS:	03:16:58
25	Q	Going back to Exhibit 5, it says that you	03:17:12

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1 were offered an annual salary of \$110,000 paid on a 03:17:19
2 biweekly basis. Was that your actual starting 03:17:21
3 salary when you joined Nike in October of 2013? 03:17:26
4 A Yes. I believe it was. 03:17:28
5 Q Okay. Did you negotiate that at all, or 03:17:31
6 was that the original offer Nike provided to you? 03:17:34
7 A That was the original offer. 03:17:37
8 Q Did you counter or try to negotiate a 03:17:39
9 higher salary? 03:17:40
10 A No. 03:17:49
11 Q Did anyone communicate to you what that 03:17:52
12 \$110,000 salary was based on? 03:17:54
13 MR. GOLDSTEIN: Objection. 03:17:55
14 THE WITNESS: Not to my knowledge, no. 03:17:58
15 BY MS. DAVIS: 03:17:58
16 Q You also received a sign-on bonus of 03:18:06
17 \$7,500. Correct? 03:18:09
18 A That is correct. 03:18:11

19 Q Did you negotiate the sign-on bonus at all? 03:18:16
20 A No. 03:18:29
21 Q You were offered a target PSP or 03:18:38
22 Performance Sharing Plan. Your target PSP 03:18:44
23 percentage was 20 percent initially. 03:18:47
24 Did you negotiate that number at all? 03:18:51
25 A No. To my knowledge, that's not 03:18:53

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1	BY MS. DAVIS:	03:35:58
2	Q Okay. Sorry. So my question was how would	03:36:02
3	you describe your role as a E Band Director in	03:36:06
4	performance management for the employees who	03:36:09
5	reported to you?	03:36:12
6	MR. GOLDSTEIN: Objection. Asked and answered.	03:36:13
7	THE WITNESS: Yeah. I don't -- I mean, within	03:36:15
8	those two that are questionable, I recommend -- I	03:36:19
9	make recommendations on hiring as well as recommend	03:36:23
10	performance management. I recommend recognition,	03:36:26
11	and I recommend people for rewards.	03:36:29
12	BY MS. DAVIS:	03:36:29
13	Q Okay. Is your testimony you make no hiring	03:36:33
14	decisions -- you made no hiring decisions when you	03:36:36
15	were a Nike.com Global Digital Cross-Category	03:36:38
16	Director?	03:36:41
17	MR. GOLDSTEIN: Objection. Vague.	03:36:42
18	THE WITNESS: I did not make final hiring	03:36:44
19	decisions.	03:36:44
20	BY MS. DAVIS:	03:36:44
21	Q And is it your testimony that you did not	03:36:49
22	make performance management decisions as Nike.com	03:36:52
23	Global Digital Cross-Category Director?	03:36:56
24	A I did not make performance management	03:36:58
25	decisions.	03:36:59
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1	and operational objectives are met."	05:18:29
2	Is that an accurate description of your	05:18:30
3	role as the director?	05:18:32
4	A Yes.	05:18:35
5	Q You weren't making decisions about how	05:18:37
6	resources should be allocated yourself?	05:18:40
7	A We would make recommendations.	05:18:43
8	Q Okay. But no decisions?	05:18:45
9	A No final decisions, no.	05:18:49
10	MR. GOLDSTEIN: Objection. Vague.	05:18:51
11	BY MS. DAVIS:	05:18:51
12	Q Okay. Can you go to page 2 of Exhibit 8,	05:19:04
13	please.	05:19:11
14	A Yes.	05:19:14
15	Q Okay. Under "Key job accountabilities" --	05:19:22
16	so let me back up.	05:19:23
17	This is a job description dated	05:19:25
18	December 5, 2018 for a job code A1046.	05:19:33
19	Do you know whether you were in job	05:19:36
20	code A1046 while you worked at Nike?	05:19:40
21	A I do not recall the specific job code, no.	05:19:46
22	Q Okay. And the title associated with that	05:19:50
23	job code is Director Brand Category Marketing. Were	05:19:56
24	you ever in a job title called Director Brand	05:19:59
25	Category marketing?	05:20:00

1	A	Those words were in a job title I would	05:20:05
2		have had but not -- not specifically laid out like	05:20:09
3		that.	05:20:12
4	Q	Okay. That's the North America Nike.com	05:20:14
5		Digital Brand Director role. Is that correct?	05:20:17
6	A	Correct.	05:20:18
7		MR. GOLDSTEIN: Objection.	05:20:18
8		BY MS. DAVIS:	05:20:18
9	Q	Okay. Under "Key job accountabilities" --	05:20:23
10		let's skip the part that's kind of shaded because	05:20:29
11		that's the same as the other job description we	05:20:31
12		looked at.	05:20:32
13		But it says,	05:20:33
14		"At global level, creates the category	05:20:36
15		brand plan and multi-year cat strategy at	05:20:41
16		GEO level, leads the communication of the	05:20:43
17		cat brand plan with the non-key	05:20:47
18		territories, lead execution and partnership	05:20:49
19		with global team for the key territories."	05:20:52
20		Does that seem like one of the key job	05:20:55
21		accountabilities for you in your role as North	05:20:57
22		America Nike.com Digital Brand Manager?	05:21:00
23	A	No.	05:21:01
24		MR. GOLDSTEIN: Objection.	05:21:15
25		///	05:21:15

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1 Q Okay. And then how about when you -- after 05:30:07
2 you moved into the North America Nike.com Digital 05:30:10
3 Brand Director role? Did you think Mr. Tawiah 05:30:13
4 treated you fairly? 05:30:16
5 A No. 05:30:19
6 Q What do you -- what actions do you believe 05:30:21
7 Mr. Tawiah took that were unfair? 05:30:28
8 A I took on additional responsibilities 05:30:30
9 without change to job description or pay. Was rated 05:30:42
10 Successful during CFE one year when I was told everyone was
11 ~~during CFE one year what I saw everyone was getting.~~ 05:30:50
12 getting Successful. But then I saw that was not
13 ~~Not~~ necessarily the case. Was paid less than peers 05:30:57
14 and just witnessed -- was a witness to 05:31:08
15 discriminatory behavior that I shouldn't have been 05:31:12
16 witness to. 05:31:18
17 Q Anything else? 05:31:24
18 A Those are the big ones that I can recall. 05:31:28
19 Q Anything else -- anything else even small? 05:31:33
20 MR. GOLDSTEIN: Objection. 05:31:37
21 THE WITNESS: I witnessed -- I mean, I was 05:31:42
22 constantly tasked with more than what I was hired 05:31:46
23 for. Those added up to big things. 05:31:51
24 BY MS. DAVIS: 05:31:51
25 Q Anything else? 05:31:58
26 A I'd say like not favorable communication 05:32:05
27 via text message and phone calls. 05:32:17

1	Q	Anything else?	05:32:22
2	A	Specifically to my knowledge at this time,	05:32:23
3		I cannot recall.	05:32:29
4	Q	Are there any documents that would help you	05:32:30
5		refresh your recollection?	05:32:33
6	A	If there were any media ^{meeting} invites to H.R. to	05:32:39
7		talk about these things, that would be helpful. Any	05:32:46
8		other communication between him and I that would be	05:32:51
9		on Nike's system could refresh.	05:32:57
10	Q	Anything else?	05:33:01
11		MR. GOLDSTEIN: Objection.	05:33:02
12		THE WITNESS: Text messages. But I don't know	05:33:05
13		where those are. Those would be helpful.	05:33:09
14		BY MS. DAVIS:	05:33:09
15	Q	Anything else?	05:33:11
16	A	No.	05:33:15
17	Q	Do you still have any text messages between	05:33:16
18		yourself and Mr. Tawiah?	05:33:18
19	A	I do not.	05:33:21
20	Q	What happened to them?	05:33:24
21	A	They are -- when I left and switched jobs,	05:33:26
22		I deleted all communication.	05:33:37
23	Q	Approximately when did you delete the	05:33:42
24		communications between yourself and Mr. Tawiah?	05:33:45
25	A	That probably would have been when I left	05:33:47

1	in July of 2017.	05:33:48
2	Q All right. I'm going to mark two	05:35:00
3	documents. One is Exhibit 9. Exhibit 9 is a	05:35:10
4	one-page document. It's bates stamped NIKE 23837.	05:35:16
5	(Whereupon Defendant's Exhibit 9	05:35:16
6	was marked for identification)	05:35:16
7	MS. DAVIS: And then I'm going to mark	05:35:19
8	Exhibit 10. Exhibit 10 is a multipage document that	05:35:24
9	is bates stamped Nike 23838 through 23842. Right.	05:35:45
10	(Whereupon Defendant's Exhibit 10	05:35:45
11	was marked for identification)	05:35:45
12	BY MS. DAVIS:	05:35:45
13	Q Do you recognize Exhibit 10 as your CFE	05:35:49
14	goal-setting document?	05:35:52
15	A Let me pull that up. This looks like a	05:36:01
16	goal-setting document, yes.	05:36:05
17	Q Okay. And Exhibit 9 is an e-mail from you	05:36:09
18	to Ms. Inglesby dated February 6, 2015. So,	05:36:22
19	"Attached is my goal-setting	05:36:24
20	document."	05:36:30
21	Does that refresh your recollection about	05:36:33
22	whether Exhibit 10 was your goal-setting document	05:36:35
23	for 2015?	05:36:38
24	A If -- yes. If that's actually the document	05:36:43
25	that was attached. Yes.	05:36:47

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1 specifically, it's hard to tell. I mean, they look 06:00:07
2 rather identical except for a few output numbers 06:00:12
3 because of the modifier. 06:00:19
4 BY MS. DAVIS: 06:00:19

5 Q Did you ever recommend PSP awards for your 06:00:24
6 employees? 06:00:25

7 A Yes, I did make recommendations. 06:00:27

8 Q Okay. Do you remember -- what would you 06:00:33
9 base those recommendations on? 06:00:35

10 A Based on their overall -- a calculation 06:00:41
11 based on their overall CFE evaluation and what those 06:00:47
12 were. And then it was calculated automatically like 06:00:50
13 this. So the input was really around their CFE 06:00:56
14 performance. 06:00:58

15 Q Okay. So is it your testimony that if 06:01:01
16 someone receives, for example, a highly successful 06:01:03
17 rating, then their PSP output would just be one 06:01:08
18 number, and there was no ability for you as a 06:01:10
19 manager to change that number or exercise any 06:01:13
20 discretion? 06:01:14

21 MR. GOLDSTEIN: Objection. Facts not in 06:01:15
22 evidence. No foundation. 06:01:17

23 THE WITNESS: We would make recommendations. We 06:01:20
24 never got to make the final -- the final decision on 06:01:23
25 any PSP calculation. 06:01:26

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1	and any voicemails --	07:05:56
2	A Not -- not e-mails --	07:05:59
3	Q -- when you left Nike. Correct?	07:06:00
4	MR. GOLDSTEIN: Objection. That totally	07:06:02
5	misstates the testimony.	07:06:18
6	MS. DAVIS: I'll restate it.	07:06:19
7	Q You testified earlier today that you	07:06:21
8	deleted your text messages between yourself and	07:06:26
9	Mr. Tawiah when you left Nike. Correct?	07:06:28
10	MR. GOLDSTEIN: Objection. Vague as to time.	07:06:32
11	THE WITNESS: I deleted them at some point, yes.	07:06:35
12	BY MS. DAVIS:	07:06:35
13	Q Okay.	07:06:38
14	Are you unclear now when you deleted the	07:06:41
15	text messages?	07:06:43
16	MR. GOLDSTEIN: Objection. Misstates testimony.	07:06:47
17	THE WITNESS: I mean, I'm -- I do not recall the	07:06:49
18	exact date I deleted those text messages.	07:06:54
19	BY MS. DAVIS:	07:06:54
20	Q Okay. Was it before you filed the lawsuit	07:06:57
21	in this case?	07:07:00
22	A Yes.	07:07:02
23	Q Was it before you contacted counsel --	07:07:06
24	A Yes.	07:07:06
25	Q -- regarding your employment with Nike?	07:07:08

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1 A Correct. 07:34:37

2 MR. GOLDSTEIN: Objection. 07:34:37

3 MS. DAVIS: We'll go just a little bit longer if 07:35:18

4 you are okay since you said you wanted to take a 07:35:21

5 break at 8:00 your time. 07:35:23

6 THE WITNESS: That's okay. 07:35:30

7 MR. GOLDSTEIN: Thanks for asking, Felicia. 07:35:41

8 BY MS. DAVIS: 07:35:41

9 Q You were involved at least somewhat in the 07:36:03

10 hiring process for some employees at Nike. Correct? 07:36:07

11 A In the hiring process, yes. Correct. 07:36:11

12 Q You interviewed -- you participated in 07:36:13

13 interviews. Correct? 07:36:14

14 A Correct. 07:36:16

15 Q Okay. And you made recommendations about 07:36:18

16 people you thought should be hired. Correct? 07:36:22

17 A That is correct. 07:36:23

18 Q Okay. All right. We'll mark this as 07:36:44

19 Exhibit 18. Exhibit 18 is a two-page document. It 07:36:54

20 is bates stamped NIKE 27982 and 27983. 07:37:02

21 (Whereupon Defendant's Exhibit 18 07:37:02

22 was marked for identification) 07:37:02

23 BY MS. DAVIS: 07:37:02

24 Q Do you have Exhibit 18 in front of you? 07:37:05

25 A I do. 07:37:09

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1 Q And if you go to the second page of 07:37:11
2 Exhibit 18, there is an e-mail, appears to be from 07:37:17
3 Tracy Wise to you regarding a candidate by the name 07:37:22
4 of Erin, E-R-I-N, Keane, K-E-A-N-E. 07:37:27
5 Did you interview Ms. Keane? 07:37:31
6 A I did, yes. 07:37:33
7 Q And did you recommend that Ms. Keane should 07:37:36
8 be hired? 07:37:36
9 A I made the recommendation after she 07:37:39
10 interviewed with the team, yes. 07:37:43
11 Q And she was hired. Correct? 07:37:44
12 A She was hired. Correct. 07:37:46
13 Q And Ms. Keane was hired on your team to 07:37:49
14 work with you. Correct? 07:37:51
15 A That is correct. 07:37:52
16 Q And at the bottom of the second page, which 07:37:57
17 is the first e-mail, Ms. Wise writes to you, 07:38:01
18 "The range for the digital wholesale 07:38:07
19 manager U band role is below. The mid 07:38:11
20 point is 111,700, and the internal median 07:38:16
21 is 117,015." 07:38:23
22 And then she asks, 07:38:24
23 "What salary are you considering for 07:38:26
24 Erin?" 07:38:28
25 Did you receive that e-mail? 07:38:29

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1	A	Yes.	07:38:29
2	MR. GOLDSTEIN:	Sari, is anyone else having	07:38:31
3		trouble reading this document? It's really -- can	07:38:35
4		barely see the words. Is it just me, or is it	07:38:39
5		anyone else?	07:38:40
6	MS. DAVIS:	You can zoom.	07:38:43
7	MR. GOLDSTEIN:	Oh, yeah. If I get it to like	07:38:46
8		300 percent, yeah. Okay.	07:38:58
9	BY MS. DAVIS:		07:38:58
10	Q	Okay. Let's go back to my question.	07:39:03
11		All right. I asked did you receive that	07:39:08
12		e-mail. You said yes. Did you respond to	07:39:12
13		Ms. Wise's e-mail by saying,	07:39:14
14		"I was thinking 120,000 salary for	07:39:18
15		her. So I think 117K is just fine"?	07:39:23
16		Do you see that?	07:39:25
17	A	Yeah.	07:39:25
18	Q	Okay. And what did you base the 120,000	07:39:30
19		salary on?	07:39:33
20	A	Just the range. I mean, she gave me the	07:39:37
21		mid point range, but there's an overall range that	07:39:41
22		at that point in my career I had access to because I	07:39:43
23		managed U bands. So I knew what other -- what other	07:39:48
24		managers who worked for me -- what they made. Then	07:39:51
25		I could assess an entry point for her.	07:39:55

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1 Q Okay. Was it based on anything else? 07:39:59

2 A Her overall like -- like her overall work 07:40:02

3 experience. But really within a range. 07:40:07

4 Q Okay. Anything else? 07:40:08

5 A No. 07:40:09

6 MR. GOLDSTEIN: Objection. 07:40:10

7 BY MS. DAVIS: 07:40:10

8 Q Okay. All right. We'll go to -- actually, 07:41:03

9 I don't have that document loaded up. So I'm going 07:41:06

10 to come back to that after we break. 07:41:10

11 Sorry. It's taking a minute to load on my 07:41:43

12 side. 07:41:53

13 All right. Marked as Exhibit 19, two-page 07:42:00

14 document bates stamped 27911 to 27912. 07:42:07

15 (Whereupon Defendant's Exhibit 19 07:42:07

16 was marked for identification) 07:42:08

17 BY MS. DAVIS: 07:42:08

18 Q And do you recognize Exhibit 19 as 07:42:17

19 Ms. Keane's offer letter? 07:42:22

20 A Pardon me. 07:42:23

21 It looks familiar as an offer letter, yes. 07:42:26

22 Q Okay. And if you go to page 2 of 07:42:28

23 Exhibit 19, it's set under your signature. Do you 07:42:32

24 see that? 07:42:32

25 A Yep. 07:42:34

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1 Q Okay. And if you go back to page 1 of 07:42:37
2 Exhibit 19, the third paragraph says, 07:42:41
3 "We are offering you an annualized 07:42:43
4 salary of 118,000 which will be paid on a 07:42:48
5 biweekly basis." 07:42:49
6 Do you see that? 07:42:50
7 A I do. 07:42:51
8 Q Okay. And do you recall the details of how 07:42:55
9 you got from 117,000 to 118,000 for Ms. Keane's 07:43:00
10 originally offer? 07:43:02
11 MR. GOLDSTEIN: Objection. Mischaracterizes her 07:43:03
12 testimony. 07:43:06
13 THE WITNESS: I do not. I can assume she 07:43:09
14 negotiated with hiring. 07:43:12
15 BY MS. DAVIS: 07:43:12
16 Q Okay. And do you recall, was your 07:43:20
17 recommendation -- your initial recommendation was 07:43:22
18 the 117? 07:43:25
19 A My -- I do not recall specifically, but my 07:43:27
20 recommendation would have been what H.R. would have 07:43:35
21 given me as that recommendation. That is what I 07:43:37
22 would have gone back to Erin with. 07:43:43
23 Q Okay. So if you go back to Exhibit 18, the 07:43:50
24 second page, you say, 07:43:56
25 "I was thinking 120,000 salary for 07:43:58

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1 her. So I think 117 is just fine." 07:44:02

2 A Uh-huh. 07:44:03

3 Q And was that your recommendation to the 07:44:08

4 company as to what her offer should be? 07:44:09

5 A Tracy had recommended -- Tracy had 07:44:13

6 recommended the range of mid point to median. So 07:44:21

7 the high of the median range was 117,015. So I was 07:44:28

8 reiterating back to her if that's a maximum, then I 07:44:32

9 think that is something we can go back to Erin with. 07:44:36

10 So I was going off her recommendation. 07:44:42

11 Q Okay. And you thought that would be a fine 07:44:46

12 recommendation. Correct? 07:44:48

13 A Yes. 07:44:50

14 Q Okay. And do you know whether anyone else 07:45:01

15 needed to approve the compensation offer? 07:45:06

16 A Yes. Danny would have had to approve, and 07:45:10

17 Tyler and H.R. would have had to approve since it 07:45:15

18 comes out of the overall department budget. 07:45:19

19 Q Okay. And do you know who -- would anyone 07:45:23

20 else need to approve the actual hire of Ms. Keane? 07:45:30

21 A Danny would have had to approve. 07:45:34

22 Q Okay. And he approved her hire. Correct? 07:45:36

23 A He did. Yes. 07:45:47

24 Q Were you also involved in the hiring of 07:45:58

25 Jeff White? 07:46:02

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1 A I -- I believe so. Yes. 07:46:14

2 Q What role did Jeff White have on your team? 07:46:22

3 A He would have been a specialist on my team. 07:46:29

4 Q Okay. All right. If you look at 07:47:17

5 Exhibit -- sorry. I published Exhibit 20. It's a 07:47:22

6 multipage document bates stamped NIKE 27679 through 07:47:26

7 27684. 07:47:32

8 (Whereupon Defendant's Exhibit 20 07:47:32

9 was marked for identification) 07:47:32

10 BY MS. DAVIS: 07:47:32

11 Q If you scroll down to page 4 of the 07:47:39

12 document, the e-mail chain kicks off with an e-mail 07:47:46

13 from some kind of automated e-mail to you saying -- 07:47:52

14 with the subject "Talent acquisition notification." 07:47:56

15 It looks like you were opening a 07:47:57

16 requisition for this position. Do you recall that? 07:48:01

17 A I do. 07:48:03

18 Q Okay. And what is the process to open a 07:48:06

19 requisition for hire? 07:48:09

20 MR. GOLDSTEIN: Objection. 07:48:10

21 THE WITNESS: I do not recall the specifics 07:48:12

22 except you get H.R. permission to open a 07:48:20

23 requisition, and then you -- you submit it into the 07:48:25

24 system so that you can get a requisition number 07:48:30

25 that's open, and then you are able to hire or start 07:48:42

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1 the hiring process. 07:48:44

2 BY MS. DAVIS: 07:48:44

3 Q Okay. And then if you go slightly up a 07:48:49

4 little higher on the page that is bates marked 07:48:53

5 27682, there appears to be an e-mail from you to 07:48:58

6 Ms. Wise dated June 6, 2016. And you write, 07:49:08

7 "Hi. Let's get moving on this one. 07:49:10

8 We need to slide Jeff White into this role 07:49:14

9 but can post. See attached." 07:49:16

10 What did you mean by that? 07:49:19

11 A That it was recommended to us for Jeff 07:49:22

12 White to move into this role, but we needed to 07:49:25

13 follow proper protocol and actually post the job so 07:49:30

14 people can apply. 07:49:32

15 Q And who recommended to you that Jeff White 07:49:35

16 should obtain the job? 07:49:37

17 A Danny. 07:49:37

18 Q Okay. And did you agree that Jeff White 07:49:43

19 should be hired? 07:49:44

20 A I did agree. 07:49:45

21 Q Okay. Were you involved in any salary 07:49:50

22 discussions with Jeff White? 07:49:54

23 A With Jeff -- I do not recall specifically 07:49:58

24 with Jeff that I would have been involved in. 07:50:13

25 Q Okay. Do you have any reason to believe 07:50:15

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1 Jeff White's salary -- starting salary was set based 07:50:19
2 on his gender? 07:50:21
3 MR. GOLDSTEIN: Objection. 07:50:22
4 THE WITNESS: I don't -- I don't know how his -- 07:50:25
5 how his original salary was set. 07:50:29
6 BY MS. DAVIS: 07:50:29
7 Q Do you have any reason to believe that 07:50:33
8 Ms. Keane's salary was set based on her gender? 07:50:37
9 MR. GOLDSTEIN: Objection. 07:50:38
10 THE WITNESS: I don't know. It was within a 07:50:41
11 range. 07:50:45
12 BY MS. DAVIS: 07:50:45
13 Q Okay. Were you also involved in the hiring 07:50:47
14 of Sara Cassidy? 07:50:52
15 A I should have been, yes. 07:50:55
16 Q Okay. Did you have any conversations with 07:50:58
17 Ms. Cassidy about her salary? 07:51:00
18 A Possibly, yes. 07:51:05
19 Q And what do you recall discussing with 07:51:06
20 Ms. Cassidy about her salary? 07:51:10
21 MR. GOLDSTEIN: Objection. Mischaracterizes 07:51:10
22 testimony. 07:51:13
23 THE WITNESS: I do not recall any specifics 07:51:16
24 about -- about a conversation. 07:51:18
25 /// 07:51:18

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1 BY MS. DAVIS: 07:51:18

2 Q Okay. Do you have any reason to believe 07:51:32

3 Ms. Cassidy's starting salary was based on her 07:51:34

4 gender? 07:51:35

5 MR. GOLDSTEIN: Objection. 07:51:38

6 THE WITNESS: I don't. I don't know. 07:51:41

7 BY MS. DAVIS: 07:51:51

8 Q Did you ever make any hiring 07:51:59

9 recommendations based on gender? 07:52:01

10 A Based on gender, no. 07:52:06

11 Q Did you ever make any salary 07:52:08

12 recommendations based on gender? 07:52:11

13 A No. 07:52:13

14 Q Did you ever make any recommendations about 07:52:14

15 an employee's CFE based on their gender? 07:52:19

16 A No. 07:52:21

17 Q Did you ever make any recommendations about 07:52:22

18 an employee's merit increase because of their 07:52:27

19 gender? 07:52:27

20 A No. 07:52:29

21 Q Did you ever make any recommendations about 07:52:30

22 whether an employee should be promoted based on 07:52:35

23 their gender? 07:52:36

24 A No. 07:52:39

25 Q Did you ever make any recommendations about 07:52:40

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1	MR. GOLDSTEIN: Objection.	08:24:00
2	THE WITNESS: Without official documentation,	08:24:02
3	it's hard to tell. But I know she became a manager	08:24:06
4	for me.	08:24:07
5	BY MS. DAVIS:	08:24:07
6	Q Okay. Was she working for you before she	08:24:10
7	became a manager? So she got promoted while she was	08:24:13
8	working for you, or was it she promoted into	08:24:17
9	reporting to you?	08:24:18
10	A I do not recall the specifics of that.	08:24:22
11	Q Okay. For a period of time, you supervised	08:24:35
12	an employee by the name of Lauren Anderson.	08:24:38
13	Correct?	08:24:40
14	A That is correct.	08:24:42
15	Q Okay. And Ms. Anderson is also a plaintiff	08:24:44
16	in this case. You understand that. Correct?	08:24:48
17	MR. GOLDSTEIN: Objection.	08:24:49
18	THE WITNESS: Correct.	08:24:50
19	MS. DAVIS: What is the objection?	08:24:53
20	MR. GOLDSTEIN: Mischaracterizes her role.	08:24:58
21	MS. DAVIS: Okay.	08:25:00
22	MR. GOLDSTEIN: She's an opt-in plaintiff in the	08:25:02
23	FSLA. Technically a party plaintiff. Not a named	08:25:07
24	plaintiff. It's confusing.	08:25:07
25	///	08:25:18

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1	BY MS. DAVIS:	08:25:18
2	Q Approximately what period of time did	08:25:20
3	Ms. Anderson report to you?	08:25:22
4	A I do not recall a specific period of time.	08:25:24
5	Q Okay.	08:25:29
6	Did you end up creating a performance	08:25:30
7	action plan for Ms. Anderson?	08:25:36
8	MR. GOLDSTEIN: Objection.	08:25:38
9	THE WITNESS: I believe I did. If you have that	08:25:42
10	document, it would be helpful.	08:25:44
11	BY MS. DAVIS:	08:25:44
12	Q Do you recall creating a performance action	08:25:47
13	plan for Ms. Anderson?	08:25:48
14	MR. GOLDSTEIN: Objection. Asked and answered.	08:25:50
15	THE WITNESS: I was asked to create one.	08:25:56
16	BY MS. DAVIS:	08:25:56
17	Q Okay. And who asked you to create one?	08:26:00
18	A Danny.	08:26:00
19	Q Okay. And you agreed that Ms. Anderson had	08:26:13
20	areas she needed to improve in. Correct?	08:26:16
21	MR. GOLDSTEIN: Objection.	08:26:19
22	THE WITNESS: Some areas, yes.	08:26:25
23	BY MS. DAVIS:	08:26:25
24	Q I'll mark this as Exhibit 22. Exhibit 22	08:26:50
25	is a multipage document bates stamped NIKE 27365	08:26:54

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1 through 27367. 08:26:59

2 (Whereupon Defendant's Exhibit 22 08:26:59

3 was marked for identification) 08:26:59

4 BY MS. DAVIS: 08:26:59

5 Q At the top of page 1 of Exhibit 22 is an 08:27:07

6 e-mail from you to Tyler Allen and Danny Tawiah 08:27:09

7 regarding Ms. Anderson. 08:27:15

8 Did you write that e-mail? 08:27:16

9 A Sorry. At which -- which one? 08:27:22

10 Q The very top e-mail. January 21, 2016 at 08:27:25

11 10:46 P.M. 08:27:30

12 A It appears that I did. Yes. 08:27:32

13 Q Okay. And you wrote at the bottom, 08:27:37

14 "Honestly, though, her communication 08:27:39

15 is really bad." 08:27:40

16 Were you talking about Ms. Anderson? 08:27:42

17 A Yes. 08:27:44

18 Q "I would like this highlighted in your 08:27:46

19 conversation tomorrow. I can provide more 08:27:49

20 info should you need it." 08:27:51

21 Did you mean that? 08:27:54

22 A Yes. 08:27:55

23 Q Okay. Did you think Ms. Anderson's 08:27:58

24 communication was really bad? 08:28:00

25 A It needed -- it needed some work, yes. 08:28:03

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1 Q Okay. Was your assessment of Ms. Anderson 08:28:12
2 at all based on her gender? 08:28:16
3 A No. 08:28:17
4 Q Did you make any employment decisions 08:28:18
5 related to Ms. Anderson that were based on her 08:28:22
6 gender? 08:28:22
7 A No. 08:28:24
8 MR. GOLDSTEIN: Objection. You also have to 08:28:27
9 give her time to read the document. 08:28:29
10 MS. DAVIS: It's not about the document. 08:28:39
11 Q We'll mark this as Exhibit 23. Exhibit 23 08:29:10
12 is a multipage document bates stamped NIKE 24423 08:29:24
13 through 24427. 08:29:30
14 (Whereupon Defendant's Exhibit 23 08:29:30
15 was marked for identification) 08:29:30
16 BY MS. DAVIS: 08:29:30
17 Q I'd like to direct your attention to your 08:29:36
18 e-mail to Mr. Tawiah that begins on page 2 of the 08:29:44
19 document dated January 14, 2016. 08:29:50
20 A Just a second. 08:30:02
21 Q On the page that's bates marked 24424. 08:30:06
22 A Okay. Thank you. 08:30:20
23 Q Did you write this e-mail? 08:30:21
24 MR. GOLDSTEIN: Would she have time to review 08:30:24
25 the whole document? 08:30:25

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1 BY MS. DAVIS: 08:30:25

2 Q Would you like time to review the whole 08:30:28

3 document, Ms. Cahill? 08:30:29

4 A Yeah. I'm just reading this one section 08:30:32

5 you noted. 08:30:33

6 Q Great. 08:30:44

7 A It looks like -- like I gathered 08:30:49

8 information and put into this e-mail, yes. 08:30:53

9 Q Okay. And on the page that is bates marked 08:31:00

10 24426, there's a paragraph that begins, 08:31:05

11 "My assessment of her own ability." 08:31:06

12 Do you see that at the top of the document? 08:31:23

13 A Yes. Of her own ability. Yes. 08:31:25

14 Q So you wrote, 08:31:26

15 "My assessment of her own ability is 08:31:27

16 that she needs to be guided in visionary 08:31:31

17 work." 08:31:32

18 And that's your statement related to 08:31:33

19 Ms. Anderson. Correct? 08:31:36

20 A Yes. 08:31:38

21 Q You continue to write, 08:31:40

22 "Visionary work is E band level. She 08:31:43

23 can do the work stuff at the U level for 08:31:48

24 sure. I would like to see the action plan 08:31:50

25 more of a stay of execution. I would like 08:31:54

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1	to assess the work and the plan around	08:31:56
2	her."	08:31:57
3	Did you write that?	08:31:59
4	A Yes.	08:32:00
5	Q Did you mean it?	08:32:03
6	MR. GOLDSTEIN: Objection. Vague.	08:32:04
7	THE WITNESS: Yeah. At the time I meant it. I	08:32:07
8	wanted her to stay in the level she was in, and I	08:32:10
9	could coach her to stay in that level.	08:32:12
10	BY MS. DAVIS:	08:32:12
11	Q What level was that?	08:32:14
12	A E band. She's a director.	08:32:15
13	Q Okay. She was a U band director?	08:32:22
14	A No. She was an E band director.	08:32:25
15	Q Okay. So she -- you said she was U band,	08:32:28
16	but you must have just misspoke, or maybe I misheard	08:32:31
17	you.	08:32:32
18	A Yeah. No. I said she's E band. All	08:32:34
19	directors are E bands.	08:32:36
20	Q Got it. Thanks.	08:32:37
21	A Uh-huh.	08:32:38
22	Q Okay. So your -- you were basically saying	08:32:44
23	here she can do the work at the U level for sure,	08:32:48
24	and you wanted to help her get to the -- or stay at	08:32:52
25	the E level. Correct?	08:32:54

Page 262

1 I, SARI M. KNUDSEN, CSR NO. 13109, in and
2 for the State of California, do hereby certify:

3 I am the deposition officer that
4 stenographically recorded the testimony in the
5 foregoing deposition;

6 Prior to being examined, the deponent was
7 first duly sworn by me;

8 The foregoing transcript is a true record of
9 the testimony given;

10 Before completion of the deposition, review
11 of the transcript was not requested. If requested,
12 any changes made by the deponent (and provided to
13 the reporter) during the period allowed are appended
14 hereto.

15
16 Dated the 9th day of December, 2020.

17
18
19 
20

21 SARI M. KNUDSEN, CSR NO. 13109
22
23
24
25

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: November 18, 2020

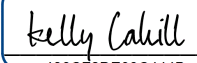
Deponent: Kelly Cahill

Page	Line(s)	Reads	Should Read	Reason
25	13	payee quality	pay equality	To correct a transcription error
25	17	payee quality	pay equality	To correct a transcription error
38	9	selling in new products	selling new products	To correct a transcription error
40	8	then ex-husband	then husband	To correct a transcription error
43	20	Gem Soda	Jones Soda	To correct a transcription error
48	23	2011	2012	To correct inadvertent error in year
59	23	EPW	ETW	To correct a transcription error
123	6	Insures	Ensures	To correct a transcription error
142	3	CFE's	CFEs	To correct a transcription error
163	4	participants	participates	To correct a transcription error
163	18	participants	participates	To correct a transcription error
173	9-10	Was rated during CFE one year what I saw everyone was getting. Not necessarily the case.	Was rated Successful during CFE one year when I was told everyone was getting Successful. But then I saw that was not necessarily the case.	To correct a transcription error
174	6	media	meeting	To correct a transcription error
177	2	Nike.com right	Nike.com that are right	To correct a transcription error
179	5	manager CFE	manager's CFE	To correct a transcription error
179	11	managing CFE	manager's CFE	To correct a transcription error
180	1	CFE's	CFEs	To correct a transcription error
185	22	Kasatani.	Fisanotti	To correct a transcription error
186	4	up levels from me	a higher level than mine	To correct a transcription error
186	7	It	He	To correct a transcription error
196	19	June 11	June 1	To correct a transcription error
196	23	CFE's	CFEs	To correct a transcription error
222	2	dikes	dykes	To correct a transcription error
222	8	dike	dyke	To correct a transcription error

223	5	dikes	dykes	To correct a transcription error
251	24	CFAE's	CFEs	To correct a transcription error
254	13	CFE's	CFEs	To correct a transcription error
263	7	D banding	debanding	To correct a transcription error
263	17	D banding	debanding	To correct a transcription error
284	19	Communication's	Communications	To correct a transcription error
297	10	July 27	July 25	To correct a transcription error
309	14	opportunity proactively	opportunity to proactively	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/6/2021 in West Newton, MA.

DocuSigned by:

 486CF2DE09G444B...
 Kelly Cahill

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
 Plaintiffs, 3:18-cv-01477-JR
 v.
NIKE INC., an Oregon
Corporation,
 Defendant.

VOLUME I

REMOTE VIDEOCONFERENCE 30(b)(6) DEPOSITION OF
ALISON DAUGHERTY
Taken in behalf of Plaintiffs
January 8, 2021

1 transcript --

2 A. Understood.

3 Q. -- if you could say "yes."

4 A. Understood. Sorry. Apologies. Yes.

5 Q. So --

6 A. Yes. There's employee relations and then
7 there's also strategy.

8 Q. Okay. Let's discuss employee relations. What
9 is the role of employee relations?

10 A. Employee relations is responsible for receiving
11 and investigating employees' concerns about
12 potential policy violations.

13 Q. Is that part of your responsibility in your
14 current role of vice president?

15 A. In my current role directly, no.

16 Q. Prior role?

17 A. Yes.

18 Q. And when was that, Alison?

19 A. So I led the employee relations group from I
20 believe March or April of 2017 through September
21 of 2020.

22 Q. So until recently you were --

23 A. Yes.

24 Q. -- leading employee relations?

25 A. Correct.

1 THE WITNESS: Complaints regarding potential
2 policy violations are most appropriately handled
3 through the employee relations team. Complaints
4 not involving policy violations or potential
5 policy violations can be handled by the business
6 functions.

7 So if someone were to bring forward a
8 concern or a complaint about discrimination or
9 harassment, the appropriate place for that to be
10 assessed would be with employee relations.

11 Q. BY MR. GOLDSTEIN: Now, this document also
12 provides that a fact-finding team would
13 typically consist of an employee relations
14 manager, business HR generalist and a manager
15 from the employer's business group. Do you see
16 that?

17 A. I do.

18 Q. Have you ever been involved in a fact-finding
19 team when you were in the employee relations
20 department?

21 MR. PRINCE: Again, questions here about the
22 scope of the topics we're going to object to.

23 THE WITNESS: I have been a part of, you
24 know, in my ER experience I have been a part of
25 investigations. I cannot recall off the top of

1 MR. PRINCE: Again let me, let me say a few
2 things here. This, one, it would be the
3 designated scope of the topics. There's been no
4 testimony whether this witness participated in
5 the preparation of this document or prepared it
6 herself or has even seen it. And that's
7 certainly outside the scope of her designated
8 Rule 30(b)(6) topics; second, it assumes facts;
9 third, it lacks foundation; vague and ambiguous;
10 and we also continue to assert the privilege
11 objection.

12 MR. GOLDSTEIN: Are you instructing the
13 witness not to answer?

14 MR. PRINCE: I don't even know if the
15 question is capable of being answered how
16 phrased, to be candid. And so that's, that's
17 where we are with our objections.

18 Q. BY MR. GOLDSTEIN: So then, therefore, you can
19 answer, Alison, since he did not direct you to
20 not answer.

21 A. Right. But my answer is that I can't speculate
22 as to who created this document or at what level
23 of the organization they were at.

24 Q. Okay. Thank you for the answer. When was the
25 Starfish survey complaints received by Nike?

1 MR. PRINCE: Same objection to Starfish.

2 THE WITNESS: I can't recall the exact date
3 that I became aware of the survey responses, but
4 I believe it to be somewhere in the realm of
5 February 2018.

6 Q. BY MR. GOLDSTEIN: Do you know how the
7 complaint, how the Starfish survey complaint was
8 received?

9 A. I'm, by me or by whom?

10 Q. By Nike.

11 A. I do not know how or who or the exact date that
12 someone first became aware.

13 Q. We've uploaded a document that has been marked
14 as 585. It is an e-mail from KeJuan Wilkins to
15 Hannah (sic) Finley, subject, New York Times Q
16 and A and MP quote, with attachments. It's an
17 April 2018. The Bates numbers are 00019537-47.

18 A. Okay. I have the document.

19 Q. Do you know Hannah Finley?

20 A. I believe actually the name is Ilana Finley.

21 Q. I'm sorry.

22 A. It's okay. It looks like an H.

23 Q. It does look like an H, but yeah. I see that
24 it's I L.

25 A. Yeah.

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that ALISON DAUGHERTY appeared before me remotely at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 220, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this
18th day of January, 2021.



Aleshia K. Macom
Aleshia K. Macom
Oregon CSR No. 94-0296
Expires 9-30-2023
Washington CCR No. 2095
Expires 7-7-2021
California CSR No. 7955

Cahill, et al v. Nike**Alison Daugherty Deposition Errata**

Page: Line	Reads	Should Read	Reason
47:14	"Correct."	"Correct. I am not aware of any complaint of harassment against Mr. Ayre."	To conform to the facts, consistent with other testimony
129:14	"Yes."	"Yes, on the 2019 playbook."	To correct a transcription error and conform to the facts, consistent with other testimony
172:12-14	"I believe that the main set of complaints refers to complaints contained in the responses to the anonymous survey."	"I believe that the main set of complaints refers to complaints contained in or made upon investigating the responses to the anonymous survey."	To conform to the facts, consistent with other testimony
172:20-23	"I believe that refers to the fact that the complaints were reviewed, assessed and appropriate next steps were taken."	"I believe that refers to the fact that complaints were reviewed, assessed and appropriate next steps were taken."	To conform to the facts, consistent with other testimony
176:2	"THE WITNESS"	"MR. PRINCE"	To correct a transcription error
184:1-2	"recorded function"	"communications reporting function"	To correct a transcription error
209:20	"ETW"	"The designation ETW"	To correct a transcription error and conform to the facts, consistent with other testimony
214:3	"for"	"from"	To correct a transcription error
218:3	"THE WITNESS"	"MR. PRINCE"	To correct a transcription error
257:22-24	"Again, I don't know that I can say I prepared in any specific way regarding these two topics."	"Again, I don't know that I can say I prepared in any specific way regarding these two topics, besides meeting with counsel."	To conform to the facts, consistent with other testimony
280:7-12	"No. We met, we met, the two of us. I believe the, actually I believe the first time I met Ms. Augustine, Monique Matheson introduced her to me. And	"Yes. Monique Matheson was also there. I believe the, actually I believe the first time I met Ms. Augustine, Monique Matheson introduced her to me. And we then proceeded,	To conform to facts

	we then proceeded, she and I then proceeded to have a conversation where I intook her complaints."	Ms. Augustine, Ms. Matheson and I then proceeded to have a conversation where I intook her complaints."	
286:6-8	"but I am aware that that was a concern."	"but I am aware that Mr. Simon being considered for promotion was a concern."	To correct a transcription error and conform to the facts, consistent with other testimony
304:6	"I believe we had a few followup meetings after"	"I believe we had a few follow up emails after"	To correct a transcription error
311:16-20	"I think that, you know, actually Monique didn't leave the meeting, but I can't recall if Renee and I simply moved and met alone that same day or if it was at a different time. I can't recall timing."	"I think that, you know actually Monique didn't leave the meeting."	To conform to facts
374:14	"ware"	"aware"	To correct a transcription error
393:11	"for"	"were"	To correct a transcription error
403:25	"amplified"	"Amplify"	To correct a transcription error
406:9	"dates and gates"	"dates and dates"	To correct a transcription error
425:24	"No."	"No; not in advance of my deposition."	To conform to the facts, consistent with other testimony
428:19	"I have not been"	"I have been"	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: March 19, 2021


Alison Daugherty

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON, PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,) NO. 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiffs,)
)
v.)
)
NIKE, INC., an Oregon)
corporation,)
)
Defendant.)

_____)

AFTERNOON SESSION
REMOTE VIDEOTAPED DEPOSITION OF LINDSAY ELIZABETH
Palm Desert, California
Monday, January 11, 2021

Reported by:
Heidi Hummel-Grant
CSR No. 12556
Pages 119 - 278

1 A That's just in regards to the process, 02:56
2 what I remember of the process.

3 Q Okay.

4 You were told there was a position opening
5 and you were asked to apply. 02:56

6 Did you -- did you want to apply for this
7 Nike's role?

8 A Yes.

9 MS. DAVIS: Okay. All right.
10 I'm showing you -- let's see -- Exhibit 115. 02:57

11 (Exhibit 115 was marked for identification,
12 a copy of which is attached hereto.)

13 MS. DAVIS: Exhibit 115 is a multipage
14 document Bates stamped Nike8605 through 8613.

15 THE WITNESS: Okay. This -- oh, what's the 02:57
16 exhibit number?

17 MS. DAVIS:

18 Q 115, should be.

19 A Okay. Hold on a second.

20 Okay. I'm looking at it. 02:58

21 Q Okay.

22 Exhibit 5 [sic] appears to be your
23 application for the Apparel Designer I Jordan role,
24 and it indicates that the application was created
25 November 21st, 2016. 02:58

Page 139

1 question. 03:04

2 The Apparel Designer I Jordan position that
3 you started in in January of 2017, do you know if
4 there was formerly someone in that role who left or
5 moved to a new role or if they created that job 03:04
6 opening for you?

7 MR. BLAKE: Objection. Compound.

8 THE WITNESS: That's a -- a trick -- trick
9 question in the sense that -- so they had posted
10 for a senior designer. And when they were not able 03:05
11 to fill the role for senior designer, they told me
12 that they wanted to promote from within and that
13 they were going to create a new Designer I position
14 instead of hiring a senior designer. That is what
15 I was told. 03:05

16 I was not told whether or not the position
17 was being made for me. And the intention of that
18 position -- yeah, that's -- that's all I -- that's
19 what I know about that.

20 MS. DAVIS: Okay. 03:05

21 Q Do you know if other people applied for
22 the Apparel Designer I role?

23 MR. BLAKE: Objection. Vague and ambiguous.

24 THE WITNESS: I was not aware at the time
25 that other people had applied for it. But I was 03:06

1 made aware after that someone else -- at least one 03:06
2 other person had.

3 MS. DAVIS:

4 Q Who was that?

5 A I don't know his name. But 03:06
6 Devon Burke -- Devon Burke, Burt -- the man who
7 became my -- my manager when I moved to Nike told me
8 that his son had applied for that role and did not
9 get it.

10 Q Okay. 03:06
11 And you were selected over his son?

12 A Yes.

13 Q Okay.

14 With whom did you interview for the role, if
15 you recall? 03:07

16 A It was Michelle Baernkopf, Kenny Matias,
17 Doug -- Barcliff? I don't know, Doug -- Doug.
18 There was another man, and I can't put a -- I can't
19 remember his name right now, he was product manager.
20 And John -- I think John -- yeah, John Burlo as 03:07
21 well.

22 Q Okay.

23 Anyone else?

24 A That's all I can remember.

25 Q Okay. 03:08

1 Did you discuss compensation at all during 03:08
2 the interview process?

3 MR. BLAKE: Objection --

4 THE WITNESS: No.

5 MR. BLAKE: -- vague. 03:08

6 MS. DAVIS: Did you get the answer, Court
7 Reporter?

8 THE REPORTER: Yes, I got the answer: No.

9 MS. DAVIS: Thank you. All right. Okay.

10 We'll mark this as Exhibit 116. 03:09

11 (Exhibit 116 was marked for identification,
12 a copy of which is attached hereto.)

13 MS. DAVIS: Exhibit 116 is a two-page
14 document, Bates stamped Nike14657 through 14658.

15 Q Do you recognize Exhibit 116? 03:09

16 A Vaguely.

17 Q Okay.

18 Is exhibit 116 the off -- your offer letter
19 to join Nike in the role of Apparel Designer I
20 Jordan in January of 2017? 03:09

21 A Okay.

22 Q I'm asking you if it is.

23 A Is -- what's the question? If it was my
24 offer letter for that position?

25 Q Yes. Is Exhibit 116 the offer letter 03:10

1 you received from Nike offering you the role of 03:10
2 Apparel Designer I Jordan with a start date of
3 January 17th, 2017?

4 A Yes.

5 Q Okay. 03:10

6 When you received this offer letter, had
7 someone at Nike already verbally extended the offer
8 to you?

9 A Yes.

10 Q Who had done that? 03:10

11 A Michelle.

12 Q Okay.

13 And what did Michelle tell you?

14 A She told me that I had been selected for
15 the job, and we talked about compensation. 03:10

16 Q Okay.

17 What did you and Michelle discuss related to
18 compensation?

19 A She told me what they were offering and
20 that they were unwilling to negotiate, she felt like 03:11
21 it was -- the pay was within the typical pay range
22 but a little bit low, and even though they had said
23 they were unwilling to negotiate, that I should
24 still try and I should still ask for more.

25 Q Okay. 03:11

1 And what did she tell you was the rate they 03:11
2 were going to offer you?
3 A She said 67,000.
4 Q Okay.
5 And 67,000 is the rate reflected in 03:11
6 Exhibit 116; correct?
7 A Correct.
8 Q All right.
9 And did you try to negotiate that rate?
10 A I did. 03:11
11 Q With whom?
12 A With Michelle.
13 Q Okay.
14 And what did you tell Michelle?
15 A I said that I would still like to ask 03:12
16 for a little bit more than that, and so I asked for
17 73,000.
18 Q Okay.
19 And did Michelle respond to your request?
20 A As far as I know she asked for that on 03:12
21 my behalf.
22 Q Okay.
23 And what was the response that -- as far
24 as -- from your perspective?
25 A The response was that they were 03:12

1 unwilling to negotiate and that I could take it or 03:12
2 leave it.

3 Q Okay.

4 Do you know what the -- did she tell you
5 what the 67 -- how they arrived at the number of 03:12
6 67,000?

7 A No.

8 Q Okay.

9 Do you have any facts that you believe would
10 show that your offer was 67,000 because of your 03:12
11 gender?

12 MR. BLAKE: Objection. Vague and ambiguous.

13 MS. DAVIS:

14 Q Go ahead.

15 A I don't -- I don't know. I don't -- I 03:13
16 can't remember.

17 Q Okay.

18 Do you know who made the decision to offer
19 you the job?

20 A No. 03:13

21 Q Do you know who made the decision on
22 your compensation?

23 A No.

24 Q Did you receive a signing bonus?

25 A I don't think so, no. 03:13

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CERTIFICATION OF CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

The foregoing proceedings were taken before me remotely at the time set forth;

That any witnesses in the foregoing proceedings, prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction;

Further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any of the parties.

IN WITNESS WHEREOF, I hereby subscribe my name this 26th day of January, 2021.



Heidi Hummel-Grant

Certified Shorthand Reporter No. 12556

Cahill, et al v. Nike
Lindsay Elizabeth Deposition Errata


Page : Line	Reads	Should Read	Reason
30:10-11	“24 Nation”	24 Notion	To clarify details and correct an inadvertent error
43:12	“No.”	“I did not supervise any Summit employees. However, I did supervise contractors when we brought them on to assist with our workload. I would give them feedback on their tasks and ensure that they completed them correctly.”	To clarify and provide additional details
67:1	“Phil Hodgson”	Jared Brandt	To correct a transcription error
73:15-18	“These were things that I had not left around -- she would single me out, and she would frustratingly be like, "Why haven't you cleaned this? Can you please clean this up?"	“These were things that I had not left around and she would single me out. She would frustratingly say, ‘Why haven't you cleaned this? Can you clean this up?’”	To clarify details and correct an inadvertent error
81:16-18	“Stevenson”	Stephenson	To correct a transcription error
95:16	“Jerry”	Jared	To correct a transcription error
183:15	“She wasn't in a director role, but she was still doing a lot of the design work.”	“She was in a director role, but she was still doing a lot of the design work.”	To correct a transcription error

Cahill, et al v. Nike
Lindsay Elizabeth Deposition Errata

Page : Line	Reads	Should Read	Reason
276:12	"No."	"No. I am not individually seeking emotional distress damages."	To clarify and provide additional details

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 02 / 19 / 2021 in 02/19/2021.



Lindsay Elizabeth

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
 Plaintiffs, 3:18-cv-01477-JR
 v.
NIKE INC., an Oregon
Corporation,
 Defendant.

REMOTE 30(b)(6) VIDEOCONFERENCE DEPOSITION OF
TREASURE HEINLE
Taken in behalf of Plaintiffs
March 16, 2021

1 Q. BY MR. BYRON GOLDSTEIN: And what did Zach say
2 when you asked him this question?

3 A. He confirmed what I thought was true, that it
4 does not require a manager approval.

5 Q. Okay. How did Zach know the answer to your
6 question?

7 A. Because the compensation team is, leads the,
8 basically the, the framework for the process and
9 the system that's, that's used for that process.

10 Q. So is the comp team the one who sets the rules
11 as to whether or not a manager plus one would be
12 required for CFE ratings?

13 A. No. I wouldn't say they set the, set the rules.

14 Q. Who set the rules for that then?

15 A. There are many people involved in HR in the CFE
16 process.

17 Q. And from what departments of HR would they be
18 from other than compensation?

19 A. Sorry. There would be compensation. There
20 would be learning, learning and development.
21 There would be HR, HR business, business facing.
22 There would be communications.

23 Q. Has communications been a part of human
24 resources, as long as you can remember?

25 MS. DAVIS: Objection to the question as

1 A. No. No.

2 Q. Let me rephrase it. Let me rephrase it.

3 So let's just say since 2015, have there
4 been times when you or someone else for you has
5 created a report showing your direct reports and
6 the direct reports of your direct reports?

7 A. I don't recall if I've gone to that level of
8 detail with reports.

9 Q. Okay. All right. To go back to Exhibit 636, it
10 says "Noncompetitive job change must be approved
11 by your manager or HR partner."

12 Regarding manager, I just was, I was trying
13 to figure out. So is it the manager of the
14 person getting the noncompetitive job change or
15 promotion or is it the manager of the manager of
16 the person getting the noncompetitive job
17 change?

18 A. Just give me a moment to reread this.

19 Q. Sure. Sure.

20 A. So this is an education, a past education tool
21 for a manager. So when it indicates, get your
22 manager's approval, it would be the manager of
23 the, the person doing it.

24 Q. Okay. So let me see, let me make sure we're on
25 the same page. So let's say person A is the one

1 getting a non -- Well, the one who a
2 noncompetitive job change approval is being
3 sought. That was poorly worded. I'm sorry.

4 So person A is potentially going to get a
5 noncompetitive job change and then person B is
6 person A's manager and person C is person B's
7 direct manager.

8 So in that example, approved by your
9 manager, who would be the one doing the
10 approval, according to this?

11 A. In this example it would be that person B,
12 manager B would need to get manager C's approval
13 for when this specific education tool was out
14 there.

15 Q. Specific education tool out there. So in the
16 metadata that Nike produced it says July 31st,
17 2019. Is that, is that accurate or not
18 accurate?

19 MS. DAVIS: Objection; calls for
20 speculation.

21 THE WITNESS: Yes. I'm sorry. I thought
22 you meant originally when you introduced this
23 tool said a date. So that's why I referred to
24 the date.

25 Q. BY MR. BYRON GOLDSTEIN: Sorry. I can say it

1 A. Yes.

2 Q. That's an accurate description of the
3 performance ratings in CFE?

4 A. Yes. It's accurate of the ratings. Yes.

5 Q. Okay. And then have -- So there's five ratings
6 for CFE. I was about to say what they are, but
7 it would probably be just quicker if you tell me
8 what they are. Can you tell me?

9 A. Yes. I think so, hopefully, from memory.

10 Q. I can try it first and then you can correct me.

11 A. No. That would be impressive.

12 Exceeding, highly successful, successful,
13 inconsistent and unsatisfactory.

14 Q. Okay. Has "exceeding" sometimes been referred
15 to as "excellent"?

16 A. Not that I recall.

17 Q. So there's five ratings. Have those -- There's
18 always been five CFE ratings for as long as
19 you've been at Nike, since 2012?

20 A. Yes. That's, that's correct.

21 Q. And the definitions of each of those five CFE
22 ratings have remained the same since at least
23 2015 through the present?

24 A. I, I can't say that word for word they are
25 exactly the same. I would say the intent of

1 those ratings have, have been the same.

2 Q. Okay. Thank you. And with respect to this
3 testimony, we're talking about that includes
4 employees at World Headquarters in bands L
5 through S from 2015 to the present?

6 A. I'm not, I'm not sure. Since I've been at Nike,
7 those ratings have applied.

8 Q. Yes. And sorry. What I meant to say is and
9 that includes employees at World Headquarters in
10 bands L through S and it includes from 2015 to
11 the present --

12 A. Yes.

13 Q. -- is that right?

14 A. Yes. That is correct.

15 Q. Yeah. I'm going to introduce Exhibit 528 (sic),
16 which is NIKE_30245. This document was
17 previously introduced as Exhibit 529. Bates
18 number is NIKE_3 -- 00030245. Do you see this
19 document?

20 A. Yes, I do.

21 Q. Actually I meant to introduce -- I'm also going
22 to introduce at the same time Exhibit, what's
23 been previously marked as Exhibit 528, and
24 that's NIKE_00030143. We're going to look at
25 both these exhibits.

1 Q. Okay. So how does the manager or the HR partner
2 decide whether or not to approve the
3 noncompetitive job change?

4 A. I wouldn't say the HR manager's approving it.
5 They're reviewing it and submitting it. There
6 are many factors you'd take into consideration.
7 Are there other jobs that are, are the same?
8 Are there jobs that are different? Contacting
9 HR Direct to get job code information, HR could
10 also --

11 Q. Okay.

12 A. -- contact our compensation or Total Rewards
13 partner to inquire about, about a job.

14 Q. Okay. So you're saying the approval -- So when
15 we're talking about the approval under
16 definition, is that the approval of the job
17 change or is it the approval of the request for
18 a job change?

19 A. No. The approval, the approval is by, it says
20 by your manager or, or HR partner. So it could
21 be, it could be either/or and then HR would help
22 to process it.

23 Q. Okay. So when the HR partner decides, is
24 deciding whether or not to approve a
25 noncompetitive job change pursuant to this

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that TREASURE HEINLE remotely appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 242, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this
29th day of March, 2021



Aleshia K. Macom

OR CSR No. 94-0296, Expires 9-30-2023

WA CCR No. 2095, Expires 7-7-2021

CA CSR No. 7955, Expires 7-7-2021

Cahill, et al v. Nike**Treasure Heinle Deposition Errata**

Page: Line	Reads	Should Read	Reason
10:14	"My position would still remain in tech."	"My position would still remain intact."	To correct a transcription error
11:14	"Yes."	"Yes, I was in three positions."	To conform to the facts
41:6	"I don't recall the exact date."	"I don't recall the exact date HR communications became part of HR."	To clarify the record as reflected in later testimony
41:20	"Yes."	"Yes, HR communications."	To clarify the record as reflected in later testimony
64:9-10	"I would assume it's through the period of time you've just said."	"I would assume it's through the period of time you've just said, but I don't know."	To conform to the facts
71:1	"That I, that I, that I don't know."	"No, it is up to the manager."	To conform to the facts
79:20	". . . is Tony Chang. I think the last name is Chang."	". . . is Tony Truong. I think the last name is Truong."	To correct a name spelling
110:19	"Yes."	"Yes. It says recommend, but the recommendation is the decision."	To conform to the facts
134:10-11	"I, I don't know. I don't know the answer to that."	"It would be the manager and HR."	To conform to the facts
136:18-19	"I do not know the exact, the exact timeline or time."	"Talent segmentation replaced LPA in calendar year 2018."	To conform to the facts
137:17-22	"I, I mean, we, we all switched. I mean, we switched, Nike switched to this new segmentation. So I would – I don't know, I don't know the exact, exact date. I would – I'd have to assume that it was around the same time this deck was built."	"Nike switched to this new segmentation in calendar year 2018."	To conform to the facts
155:19	"Currently Theona Jones leads learning and . . ."	"Currently Fiona Jones leads learning and . . ."	To correct a transcription error
161:11	"Yes."	"Yes, for some of them."	To conform to the facts
161:15	"Yes, could."	"Yes, it could."	To correct a transcription error
165:14	". . . Sprunk and the HR person and the talent planning . . ."	". . . Sprunk and their HRBP and the talent planning . . ."	To conform to the facts

167:22	"I don't, I don't know what that means."	"I don't know if this program has been occurring since 2015."	To conform to the facts
199:22-23	". . .I believe, the GL – I'm probably saying it wrong, it's a leadership development program . . ."	". . .I believe, the GLDP, it's a leadership rotational program . . ."	To conform to the facts

I attest that the above-referenced changes are true and correct.

Date: May 12, 2021

DocuSigned by:

045C03BFEC9448A... Treasure Heinle

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)

Plaintiffs,)

vs.) No. 3:18-cv-01477-JR

NIKE, INC., an Oregon)
Corporation,)

Defendant.)

VIDEO-RECORDED REMOTE COUNSEL ZOOM DEPOSITION
UPON ORAL EXAMINATION OF
HEATHER HENDER

9:10 A.M.

THURSDAY, JANUARY 14, 2021

(ALL PARTICIPANTS AT THEIR RESPECTIVE LOCATIONS)

WITNESS LOCATION: REDMOND, WASHINGTON

Reported by: Tami Lynn Vondran, CRR, RMR, CCR
Washington CCR No. 2157, Oregon CSR No. 20-0477

1 A. Yes.

2 Q. What about that Manufacturing Engineering II
3 position interested you?

4 A. Well, it talked about the production. I was
5 also interested, at the time, in working for Nike, a
6 prominent Beaverton employer with a lot of history, a
7 lot of -- what's word I'm looking for? A lot of stature
8 in Oregon and the Portland area.

9 Q. I'm going to upload the next exhibit in order.

10 A. I have it now, 136.

11 Q. You have it, great. It's Exhibit 136.

12 (Exhibit No. 136 was marked remotely for
13 identification.)

14 A. I have it open now.

15 Q. (BY MR. PRINCE) Is this the -- it's a letter
16 dated March 5, 2015.

17 Is this the offer letter that you received
18 from Nike in connection with the Manufacturing
19 Engineer II position?

20 A. It appears to be, yes.

21 Q. This was the same position that you had
22 applied for; correct?

23 A. I believe so.

24 Q. And it states that the annual salary is 78,600
25 for that position; right?

1 A. It says so, yes.

2 Q. And you -- you knew that the Manufacturing
3 Engineer II position was an L-Band position; is that
4 correct?

5 A. I'm not sure I understood the Band system at
6 Nike at this stage -- at that stage.

7 Q. When you applied or subsequently?

8 A. When this offer letter was -- was given to me,
9 or made to me.

10 Q. When you applied for the position, did you
11 understand that you were applying for an L-Band
12 position?

13 A. I do not -- I do not believe I had knowledge
14 of the Band system or what an L-Band was at that time.

15 Q. Did you have an understanding of what the pay
16 range might be for the manufacturing engineering
17 position when you applied?

18 A. I don't recall that I had a pay range for
19 that -- I don't know if -- I do not remember knowing
20 what Nike paid its Engineer IIs at that time.

21 Q. So when you submitted for the position, you
22 did not have any understanding as to what the pay range
23 might be?

24 A. I do not recall that I did.

25 Q. You never attempted to negotiate that starting

Page 169

1 A. He had different roles. He was a director, he
2 was a manager, he was a lead engineer. I do not know
3 what his role was at the time. I know that he was on a
4 retirement strategy with the company that was hashed out
5 and agreed to in higher levels.

6 Q. Is it possible that other individuals attended
7 the meeting with Mr. Sell because he was a manager?

8 A. He was a senior employee to myself. It is
9 possible, yes.

10 Q. You resigned from Nike in October 2020; is
11 that correct?

12 A. That is correct.

13 Q. To whom did you direct a resignation letter?

14 A. James Stowell.

15 Q. And what did you tell Mr. Stowell as to why
16 you were resigning?

17 A. Without having the letter in front of me, I
18 believe I stated that I was leaving Nike and that my
19 last day would be this day.

20 Q. Did you participate in any exit interview or
21 exit meeting with anyone at Nike?

22 A. There was a virtual exit meeting with two
23 individuals. I believe HR. And that was done virtually
24 due to the COVID restriction.

25 Q. Do you recall the two individuals who

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REPORTER'S CERTIFICATE

I, TAMI LYNN VONDRAN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was not requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE THIS 26th day of January, 2021.



TAMI LYNN VONDRAN, CRR, RMR, CCR

Washington CCR No. 2157, Oregon CSR No. 20-0477

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Dates: January 14, 2021 and March 17, 2021

Deponent: Heather Hender

Page	Line(s)	Reads	Should Read	Reason
17	21	practices and pay, performance and	practices in pay, promotions and	To correct an inadvertent error
18	4	pay, performance and	pay, promotions and	To correct an inadvertent error
24	9	performance and evaluations	promotions and evaluations	To correct an inadvertent error
25	1	performance and evaluations	promotions and evaluations	To correct an inadvertent error
26	14	pay, performance and	pay, promotion and	To correct an inadvertent error
49	4	pay, performance and	pay, promotions and	To correct an inadvertent error
227	4	what she [sic] was	what he was	To correct an inadvertent error
274	1	it's where I achieved the pen	it's where I achieved the patent	To correct a transcription error
275	3	there are a few similarities in that	there are few similarities in that	To correct a transcription error
275	6	There are few similarities, so I won't say	There are few similarities, so I would say	To correct a transcription error
276	5-6	and a 50-percent target bonus.	and a 15-percent target bonus.	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on April 21, 2021 in King County, WA.

DocuSigned by:

Heather Hender

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, Case No.: 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on
behalf of others similarly
situated,
Plaintiffs,
v.
NIKE, INC., an Oregon Corporation,
Defendant.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
SARA JOHNSTON
Beaverton, Oregon
Tuesday, November 24, 2020
Volume 1

Reported by:
LESLIE JOHNSON
RPR, CCRR, CSR No. 11451
Job No.: 4347395
PAGES 1 - 312

Page 1

1 approximately. I don't know starting or ending or 01:40:24
2 where, but I can name five people that I worked with
3 on the team.

4 BY MR. PRINCE:

5 Q Five women other than yourself? 01:40:37

6 A I believe that's how they identify.

7 Q Can you name them for me, please?

8 A Pat. I don't know how to say or spell her
9 last name. If I were to hazard a guess, it would be
10 Bruseau. Marty. 01:40:57

11 Q What's the first letter?

12 A Pat, P, like Patricia. I think it's
13 Bruseau -- Brister. Brister. B-R-I-S-T-E-R,
14 Brister. Sorry. I got two people mixed up. Pat
15 Brister. 01:41:19

16 Marty. I don't remember her last name.
17 Jenny Rhoten. Emily James. And there was another
18 woman on our team, and she passed away. I'm -- I
19 don't remember her name. Also Lori Nearhood.

20 Q And do you know whether any of those women 01:41:51
21 that were on your team were able to negotiate their
22 starting pay?

23 A I don't recall. I don't remember asking.

24 Q When you had a conversation about your
25 starting pay, I believe you testified earlier that 01:42:10

1 you told the recruiter that you had been paid more 01:42:13
2 at a prior position.

3 Do you recall that?

4 A I believe that I would have made that
5 argument. 01:42:25

6 Q You believe you would have or you did?

7 A I believe I would have. I remember
8 negotiating.

9 Q Excuse me. What was that?

10 A I remember -- I don't know if I revealed 01:42:50
11 the amount.

12 Q Did you have a --

13 A I remember negotiating that.

14 Q Sorry. We have to be careful not to talk
15 over one another. 01:43:10

16 So did you have a conversation with a
17 recruiter about your prior salary for work that you
18 did before you began the senior account services
19 representative position?

20 A It was several years ago. I don't recall 01:43:26
21 if I named the amount. I do know that I tried to
22 negotiate because I was going to take a pay cut.

23 Typically, if people are taking a pay cut
24 in human resources, we would ask them how much they
25 made and offer to match, if it were close. So I 01:44:00

1 think it's in my character with that background that 01:44:06
 2 I would have shared and said "Hey, like, I'm going
 3 to take a pay cut here. Can we come to a different
 4 amount?" And they said "We don't negotiate for
 5 entry level." I recall clearly them saying they 01:44:26
 6 will not negotiate for entry level, that it's take
 7 it or leave it.

8 Q But you would have advised the recruiter
 9 that you had been paid more highly than the offer
 10 that was in front of you at the time. Is that -- 01:44:40

11 A I believe I would have.

12 Q You don't know the qualifications of the
 13 other individuals that were being considered for
 14 that senior account services position, do you?

15 MR. KAN: Objection. Lacks foundation. 01:45:09

16 THE WITNESS: Other than ^{Colten}~~Colton~~ told me
 17 about his background, you know, at a kiosk, I do
 18 believe I testified before that I'd seen Emily and
 19 Jenny's résumés, but I don't recall -- I don't
 20 recall any of what I saw because it was so long ago. 01:45:39

21 THE REPORTER: You know, I just got bits
 22 of that answer. I'm not sure if everyone else got
 23 that, but it did cut out a bit, Sara. If you could
 24 repeat.

25 (Record read.) 01:46:03

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1 THE WITNESS: I felt pressured to give a 05:23:55
2 photo. I don't -- I mean, I'm a woman. I don't
3 feel comfortable with my body. I don't really want
4 to take any photos ever. And he put a lot of
5 pressure on me to send photos. I think it's a very 05:24:20
6 bottom of the chain before the messages.

7 There's -- there is content that shows
8 that he was pressuring for photos, so a comment I
9 made. But that specific text message or Facebook
10 message I believe was my attempt to flirt because I 05:24:45
11 considered having a relationship with him. I knew
12 him for three years. He was a coworker. He
13 mentored me in a lot of ways. He was someone I ~~went~~ ^{did}
14 ~~on the~~ ^{Hood to} coast with through Nike.

15 You know, we spent a lot of time together. 05:25:08
16 But I did consider at some point dating him, and I
17 would characterize that as flirting.

18 BY MR. PRINCE:

19 Q Is there a reason that you deleted the
20 photo that you sent but kept the nude photos that 05:25:21
21 [REDACTED] sent?

22 A I had deleted a lot of chats as well. I
23 didn't want his on my phone record. I didn't want
24 Facebook -- for it to, like, appear, looking at his
25 messages. I didn't know who was looking at it. 05:25:42

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1 On, you know, the Valentine's Day text 05:25:47
2 where he sent a dick pic, it actually was sent when
3 I was at a coworker's house having a glass of wine,
4 and the coworker saw it. So I deleted -- I thought
5 I had deleted all of the photos a long time ago 05:26:03
6 before I even left Nike.

7 Q The question I have is, you preserved the
8 nude photographs that [REDACTED] sent you and
9 indeed turned them over to Nike HR. However, your
10 photos that you sent you deleted; is that correct? 05:26:30

11 MR. KAN: Objection. Misstates her
12 testimony.

13 THE WITNESS: There was a time that I
14 considered dating [REDACTED]. I viewed everything ^{during} ~~up to~~
15 ^{period} ~~point~~ as consensual. Even the stuff that 05:26:44
16 wasn't consensual at the beginning, in my complaint
17 to HR, it wasn't necessarily that that had -- that
18 we had a consensual relationship.

19 For me, the issue was he was retaliating.
20 I had stopped responding, and he refused to come to 05:27:05
21 meetings -- to two meetings that I held that were
22 necessary to get my job done. He was effectively
23 preventing me from doing my job, and he started
24 denigrating my work to other coworkers.

25 If I needed to meet with him, he was 05:27:22

1 punishing me because I wasn't responding, and he 05:27:25
2 absolutely required that a male or a different
3 coworker set the meeting. He wouldn't go to it if I
4 set it. He didn't show up.

5 I then needed to get my work done. He was 05:27:39
6 retaliating against me and refusing to help me with
7 my work because I stopped responding after -- so
8 there was a period -- I will say at the very
9 beginning, it was nonconsensual. There was a period
10 that was consensual. And I didn't turn any of the 05:27:54
11 material over to HR between either of us because it
12 was consensual.

13 And then the period of nonconsensual
14 activity, I handed that over because I felt like
15 that was when the boundaries were broken between 05:28:09
16 what we agreed to, and I was being retaliated
17 against because I wouldn't respond sexually to him
18 anymore or however.

19 BY MR. PRINCE:

20 Q In Exhibit 40, where does [REDACTED] ask 05:28:26
21 for nude photo of you?

22 MR. KAN: Objection. The document speaks
23 for itself.

24 THE WITNESS: On December 14th. I can't
25 see which one, since I -- yeah. I don't know which 05:28:57

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1 time stamp belongs to me versus Facebook user, but 05:29:01
2 between 6:21 and 6:22 I made a comment. At 6:21 --
3 I believe that's the time stamp, if I'm reading this
4 correctly. "I know I'm good about keeping it under
5 wraps. I'm surprised I didn't send you a dirty pic 05:29:18
6 or something being that drunk."

7 And then I respond "or that you didn't
8 request one." That implies that he requested them
9 before. Because he requested several and pressured
10 me. 05:29:33

11 I don't have -- I accidentally deleted
12 part of our conversation at some point. So all of
13 the beginning text messages I don't have.

14 BY MR. PRINCE:

15 Q You accidentally deleted them or did you 05:29:55
16 delete them intentionally?

17 A I think I tried to -- I thought that if I
18 did something to them it would put it in a folder or
19 somehow archive it, and I accidentally deleted it
20 instead of archiving it. So I don't know what I did 05:30:20
21 or how I did it. I have spent hours trying to get
22 it back from Facebook for my lawyers. I've
23 requested -- I've spent time trying to undo that.

24 Q Did you ever communicate to Nike HR that
25 there were consensual text messages as well as 05:30:42

REPORTER'S CERTIFICATION

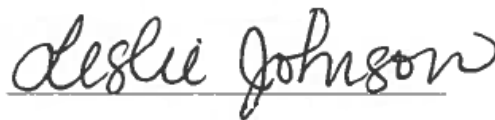
I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 15, 2020

A handwritten signature in cursive script that reads "Leslie Johnson". The signature is written in dark ink and is positioned above the printed name.

LESLIE JOHNSON

CSR No. 11451, RPR, CCRR

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: November 24, 2020

Deponent: Sara Johnston

Page	Line(s)	Reads	Should Read	Reason
7	11	Menfei	Mengfei	To correct a transcription error
7	25	Renée	Renee	To correct a transcription error
30	5	Yes.	Not when I was interviewed, but when I was interviewing other people.	Misheard the question
32	5	what	where	To correct a transcription error
33	9	Fallgamwalla	Balgamwalla	To correct a transcription error
33	10	David – I don't remember	David Klasner	To correct spelling
37	23	Maybe the lawyer	Maybe at the lawyers' office	To correct a transcription error
39	1	Acevedo	Azavedo	To correct a transcription error
39	6	Acevedo	Azavedo	To correct a transcription error
39	9	Acevedo	Azavedo	To correct inadvertent error in year
39	11	Acevedo's	Azavedo's	To correct a transcription error
39	14	Acevedo's	Azavedo's	To correct a transcription error
39	19	Acevedo's	Azavedo's	To correct a transcription error
39	25	Acevedo	Azavedo	To correct a transcription error
40	5	Acevedo	Azavedo	To correct a transcription error
40	8	Acevedo	Azavedo	To correct a transcription error
40	11	Acevedo	Azavedo	To correct a transcription error
49	2	To my knowledge, no.	Other than Nike, to my knowledge, no.	Misheard the question.
49	22	recognized the same rate as men	recognized at the same rate as men	To correct a transcription error
49	23-24	individuals who started with	individuals who I started with	To correct a transcription error
53	11	to	Too	To correct a transcription error
55	1	skills. In that more junior ASR, I did not realize	skills in that more junior, Sr. ASR role. I did not realize	To correct a transcription error
55	2-3	To my knowledge, I don't think I	To my knowledge, I don't think I viewed it that way.	To correct a transcription error

		viewed it that way until then.		
55	18	When I qualified	Which means to me that I was qualified	To correct a transcription error
71	20	after the same graduate school of management	Atkinson Graduate School of Management	To correct a transcription error
77	19	I also received an on-call.	I transitioned to an on-call role.	To correct a transcription error
80	23	Taleo is an application, a system application	Taleo is an application, an online job application tracking system	Full response to question asked
86	16	SaaS skills that come with that.	Social skills that come with that	To correct a transcription error
88	21	Colton	Colten	To correct a transcription error
89	7-8	I have suggested that two other people apply for the role	I encouraged two other people to apply for the role	To correct a transcription error
90	14	Colton	Colten	To correct a transcription error
90	17	Colton	Colten	To correct a transcription error
91	16	Colton	Colten	To correct a transcription error
92	5	Colton	Colten	To correct a transcription error
92	7	Colton	Colten	To correct a transcription error
92	12	Colton	Colten	To correct a transcription error
93	4	Colton	Colten	To correct a transcription error
99	18	Senior HR position	Senior ASR position	To correct a transcription error
106	25	Colton's	Colten's	To correct a transcription error
107	7	Colton	Colten	To correct a transcription error
107	7	Colton's	Colten's	To correct a transcription error
107	11	Colton	Colten	To correct a transcription error
107	13	Colton	Colten	To correct a transcription error
107	16-17	And Rick said "I'm not going to reveal, but I did negotiate."	And Rick said I'm not going to reveal, but I did negotiate, more than what you make	Full response to the question asked
107	23	Colton	Colten	To correct a transcription error
108	3	Colton	Colten	To correct a transcription error
108	6	Colton	Colten	To correct a transcription error
108	10	Colton	Colten	To correct a transcription error

108	16	Colton	Colten	To correct a transcription error
109	16	Marty. I don't remember her last name. Jenny Rhoten. Emily James. And there was another woman on our team, and she passed away. I'm – I don't remember her name.	Marty. I don't remember her last name. Jenny Rhoten. Emily James. And there was another woman on our team, and she passed away. I'm – I don't remember her name. Also Lori Nearhood	Full response to the question asked
111	16	Colton	Colten	To correct a transcription error
122	2	To get the chain of permission.	To go up the chain to get permission.	To correct a transcription error
123	24	Value structure	VALUES structure	To correct a transcription error
124	5	B	V	To correct a transcription error
124	7	B	V	To correct a transcription error
129	21	Colton	Colten	To correct a transcription error
131	1	Colton	Colten	To correct a transcription error
134	1	OAT	OIT	To correct a transcription error
136	18-19	It's my belief. I don't have a solid knowledge.	It's my belief based on my experience. I don't have solid knowledge beyond that.	To correct a transcript error and provide full response to the question asked
140	6	And the nonapplication track	And the application track	To correct a transcription error
154	24	NCS	in CS	To correct a transcription error
155	17	BSA	ASR	To correct a transcription error
162	25	HPs	pieces	To correct a transcription error
167	14	Sladebo	Fladebo	To correct a spelling error
167	18	Yes	Yes, she was also a BSA.	Misheard the question.
170	20-23	They restructured the way we did work, and they promoted Lynn, and they moved her to a different – they changed how our teams were structured.	They restructured the way we did work, and they promoted Lynn, and they moved her to a different team, which was an off-cycle event that enabled	Complete answer to question


			managers to promote people like Lynn and Mrudula – they changed how our teams were structured.	
171	25	She was a BSA1.	She was a BSA 1?	To correct a transcription error
173	6	Has ever trained on a task	Has ever trained me on a task	To correct a transcription error
173	22	Grant and Jim Sherwin	Leon Fabricki and Jim Sherwin	To correct name
174	24	I would say yeah. I mean I don't -	I would say yeah. But I mean I don't know why that should affect his performance assessment.	Full response to the question asked
175	14	I didn't have the same deliverables as Grant	I didn't work on the same deliverables with Noah like I did with Grant	To correct a transcription error
177	24	I made rec-	I made recommendations to my manager when I was involved in phone screens and interviews.	To correct a transcription error
181	11	I didn't know that I could.	No, I didn't know that I could.	Full response to the question asked
181	12	That I acted	That it acted	To correct a transcription error
186	7	I think it would have been	No, I think it would have been	Full response to the question asked
189	3	Lindsay	Lynn Fladebo	To correct a transcription error
192	4	I'm sorry. I'm sorry.	I'm sorry. I'm sorry. But as I testified earlier, senior BSAs performed the same general duties as junior and intermediate BSAs.	Full response to the question asked

192	8	I don't have visibility, to my knowledge.	I don't have visibility, to my knowledge. But as I testified earlier, senior BSAs performed the same general duties as junior and intermediate BSAs.	Full response to the question asked
194	7-8	I did not know that at the time I was made an intermediate BSA, no.	I did not know the salary range at the time I was made an intermediate BSA, no.	Full response to the question asked.
196	22	E band	U band	To correct a transcription error.
199	14	Intermediate 1	BSA 1	To correct a transcription error
199	24	initial	Initial phone screen	Full responses to question asked
201	15	And we discussed advanced --	And discussed the questions we wanted to ask in advance	Full responses to question asked
202	18	If they are not promoted at the same	If they are not promoted at the same rate	To correct a transcription error
220	22	Justin reached out to all of the Cs	Justin reached out to all of the SMEs	To correct a transcription error.
229	14	I went on the coast with	I did Hood to Coast with	To correct a transcription error
230	14-15	I viewed everything up to that point as consensual.	I viewed everything during that period as consensual.	Fully response to the question asked
244	22	Carsecken	Carspecken	To correct a transcription error
254	12-13	Justin Larsen told Juanita Danielson, "You talk to me about her issues with [REDACTED]"	Justin Larsen told Juanita Danielson that she should talk to me about her issues with [REDACTED]	To correct a transcription error
257-258	25-1	Against because she was let go and severed. They offered her	Against because she was let go and I suspect was severed. I believe they	Full response to the question asked.

		severance, and they let her go.	offered her severance, and they let her go.	
276	24	And I said “Wow, that’s – okay.”	And I said “Wow, that’s shocking, okay.”	Full response to the question asked
277	2	OTE	OTP	To correct a transcription error
300	10-11	an intermediate	a junior BSA	To conform to facts

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/13/2021 in Beaverton,
OR

DocuSigned by:

 9B8F5B64ECAA43A...
 Sara Johnston

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

)
KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiffs,)
)
vs.) No. 3:18-CV-01477-JR
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendant.)
_____)

VIDEOTAPED DEPOSITION OF CINDY LEA LINEBAUGH
Beaverton, Oregon
Monday, December 21, 2020
Volume I

Reported by:
CATHERINE A. RYAN, RMR, CRR
CSR No. 8239
Job No. 4347608

PAGES 1 - 309

Page 1

1 Q Okay. Okay. So you said that you joined 10:49:38
2 Nike in about May or June 2011, correct?

3 A I believe it was June of 2011.

4 Q Approximately when did you first start
5 talking to Nike about joining the company? 10:49:56

6 A I don't recall when the job was posted.

7 Q Oh, so there was a job posting that you
8 applied for?

9 A That's correct.

10 Q Do you recall where you saw the job 10:50:14
11 posting?

12 A I don't recall. It may have been on the
13 Nike job site.

14 Q Do you recall any other ways that you
15 learned about the job opening? 10:50:38

16 A I don't recall.

17 Q Okay. So you applied for the position.

18 Then what happened? Did you interview?

19 A I applied for the position, and then I
20 interviewed. 10:51:02

21 Q Do you recall who you interviewed with?

22 A I recall Rich Batchellor, Jay Riverman. I
23 believe Cheryl Hunter was there, but I'm not
24 positive, and there was a fourth person, but I don't
25 recall who it was. 10:51:32

1 Q So did you meet with these individuals all 10:51:38
2 at the same time?

3 A Yes, I met them all at the same time.

4 Q And maybe I should back up for one
5 question. 10:51:50

6 What was, if you recall, the position that
7 you applied for?

8 A There were three positions open, two at
9 a -- at a manager level and one at a specialist
10 level. So two were for a project manager. One was 10:52:07
11 for a specialist. I applied for the project
12 manager, requesting the NFL account.

13 Q And was project manager the role that you
14 were offered?

15 A Yes, I was offered the NFL project manager 10:52:42
16 role.

17 Q So besides your interview with
18 Rich Batchellor, Jay Riverman, Cheryl Hunter, and a
19 fourth person, did you interview with anyone else at
20 Nike? 10:53:13

21 A No, I did not.

22 Q During that interview with
23 Rich Batchellor, Jay Riverman, Cheryl Hunter, and
24 the fourth person, do you recall discussing
25 compensation at all? 10:53:27

Page 67

1 notice to RTC. 10:57:06

2 BY MS. ZABELE:

3 Q Did you accept the offer right away?

4 A There was no offer letter. There was

5 just -- he said I had been given -- given the 10:57:19

6 position.

7 Q And you accepted in that same

8 conversation?

9 A I said: Yes, I did.

10 Q And were you excited about the 10:57:36

11 opportunity?

12 A I was very excited to work for the NFL --

13 work with the NFL.

14 Q And when Mr. Batchellor called you in and

15 said that you had gotten the job, did you discuss 10:57:52

16 compensation with him at all at that time?

17 A No, we did not.

18 Q Do you recall what your starting salary

19 was at Nike when you joined in June 2011?

20 A I believe it was in the high 60s. 10:58:15

21 Q So if Nike's data shows that it was

22 \$69,000 a year, does that sound accurate to you?

23 A That sounds accurate to me.

24 Q Do you recall if you tried to negotiate

25 compensation at all with Mr. Batchellor? 10:58:41

Page 70

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

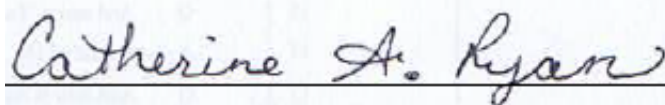
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: 01/07/2021

23 

24 Catherine A. Ryan, RMR, CRR

25 CSR No. 8239

Page 309

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

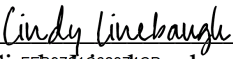
Deposition Date: December 21, 2020

Deponent: Cindy Linebaugh

Page	Line(s)	Reads	Should Read	Reason
219	5	I don't believe it wasn't	I don't have any reason to believe it wasn't	To clarify testimony

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 2/3/2021 | 5:05 PM PST in Beaverton, or.

DocuSigned by:

Cindy Linebaugh

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

)
KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiffs,)
)
vs.) No. 3:18-CV-01477-JR
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendant.)
_____)

VIDEOTAPED REMOTE DEPOSITION OF
KATHLEEN K. LUNDQUIST, Ph.D.
Cape May, New Jersey
Friday, September 10, 2021
Volume I

Reported by:
CATHERINE A. RYAN, RMR, CRR
CSR No. 8239
Job No. 4778015

PAGES 1 - 294

Page 1

1 eliminating the collection of candidate salary
19:08:58

2 history and also the admission that she goes on to
3 say about, "We don't want to carry over poor
4 practices from a prior company" that would
5 disadvantage people.

19:09:12

6 So that and this -- the training documents
7 that are talked about on the bottom of page 32, both
8 are -- not just Dr. Neumark's analyses, but
9 admissions from Nike that prior pay was perpetuating
10 poor pay practices from prior employers and can lead

19:09:33

11 to undesirable long-term consequences.

12 Q And do you know whether Nike conducted any
13 analysis to determine whether collecting candidate
14 salary history, in fact, did disadvantage women?

15 A If they did, I assume it would be part of

19:10:00

16 the privilege materials that Nike is not turning
17 over. All I know is that these admissions by the
18 chief human resources officers to all the employees
19 and various training documents indicate that there
20 was a concern about that and a belief that that was

19:10:18

21 perpetuating bias.

22 Q You agree that if a company -- companies
23 are allowed to change their practices over time,
24 correct?

25 A Companies do.

19:10:33

1 Q Right.

19:10:36

2 And changing a practice does not
3 necessarily mean that a prior practice was unlawful,
4 correct?

5 A Correct.

19:10:42

6 Q Okay. And if -- well, strike that.

7 Okay. Did you review any other documents
8 during the break?

9 A No.

10 Q On page 34, you state -- I'll let you get

19:11:26

11 to page 34.

12 A Okay.

13 Q The middle of the page, the first
14 paragraph, quote: "As with merit increases, a
15 reward based on a percentage of the employee's base

19:11:39

16 pay will continue to exacerbate existing gender
17 differences in pay."

18 Do you see that?

19 A I do.

20 Q And is that sentence related to the --

19:11:54

21 Nike's PSP bonus calculation?

22 A Yes.

23 Q Did you do any analysis of Nike's PSP
24 bonus payments to determine whether, in fact, there
25 was a gender difference in pay?

19:12:10

Page 209

1 remove bias. And I cannot find the exact location
21:09:19

2 in the report, but if you'd like me to find that, I
3 will take my time to find it.

4 BY MS. DAVIS:

5 Q No, it's okay. I think you've talked
21:09:30

6 about it a number of times today, so I don't think
7 that's really necessary.

8 And so I guess I've -- you've told me --
9 you've told me your scientific process for forming
10 your expert opinion about the role of HR at Nike,
21:09:42

11 correct?

12 A I've told you my -- my expert basis for
13 the conclusions that I'm reaching about HR and its
14 effectiveness.

15 Q Okay. And you've told me all of the
21:09:55

16 methodologies that you used to reach that
17 conclusion, correct?

18 A I've told you that I've relied on my
19 expertise and my experience and the representations
20 made by Nike in its own documents.
21:10:08

21 Q Mm-hmm. Right. Okay. We -- we don't
22 need to debate that.

23 Would you agree that even if an
24 organization has accepted HR practices, it could
25 still get internal complaints about discrimination
21:10:23

1 or harassment?

21:10:26

2 MR. GOLDSTEIN: Object- --

3 THE WITNESS: Yes.

4 MR. GOLDSTEIN: Go ahead.

5 BY MS. DAVIS:

21:10:32

6 Q And some of those complaints might be
7 unfounded, correct?

8 A Well, that's why investigations are
9 conducted, to determine whether the allegation is
10 true or not.

21:10:42

11 Q Right.

12 A We don't have the results of those
13 investigations in this case.

14 Q Right.

15 And some of the complaints might be

21:10:49

16 founded, correct?

17 A I believe that that's what Ms. Daugherty
18 said, that some of the complaints were founded, but
19 we did not get a complete breakdown of what the
20 bases -- what the evaluations were that were done as

21:11:04

21 part of the investigations.

22 Q And you agree that even if an organization
23 has a outstanding HR team and outstanding HR
24 practices, that, occasionally, there may be
25 complaints that are founded even under the best of

21:11:28

Page 274

1 circumstances?

21:11:33

2 MR. GOLDSTEIN: Objection. Assumes facts
3 not in evidence. Incomplete hypothetical and
4 speculative.

5 BY MS. DAVIS:

21:11:45

6 Q Go ahead.

7 A You're -- you're saying could it be
8 possible that there would be allegations that were
9 found to be true even if you had a good HR
10 department?

21:12:02

11 Q Correct.

12 A Could you have a rogue manager? Possibly.
13 Would you have the level of complaints that went to
14 the alert line and that came through the Starfish
15 survey? That, in my experience, is atypical; so

21:12:17

16 that it is the scope of the concerns that would
17 trouble me. And I think it would also be important
18 to understand what actions were taken and why they
19 were taken, why senior leaders left the
20 organization -- apparently asked to leave the

21:12:37

21 organization and on what basis.

22 Q Okay. Yeah, let's talk about the Starfish
23 survey.

24 Did you conduct an analysis of the
25 Starfish survey?

21:12:52

1 A I looked at the information that was
21:12:53

2 presented in the Starfish survey allegations. I
3 reviewed them.

4 Q Did you do any analysis of the information
5 presented in the Starfish surveys?
21:13:04

6 A I just reviewed them. I'm not sure --

7 Q Okay.

8 A -- what analysis would be possible without
9 knowing the results of the investigation, which I
10 believe have not been shared with counsel.

21:13:17

11 Q And do you know who created the Starfish
12 survey?

13 A I believe it was a female employee of
14 Nike.

15 Q Was the Starfish survey developed using
21:13:32

16 professional guidelines?

17 A Are you asking me if there is a
18 representative sample that was used? It's my
19 understanding that the Starfish survey was -- was
20 asking individuals to do self-reports of their

21:13:51

21 experience and their concerns about discrimination
22 and harassment.

23 Q Do you know who it was sent to?

24 A I -- I don't know the specific list of who
25 it was sent to, but I believe it was completed by
21:14:11

1 females in the organization.

21:14:13

2 Q Do you know whether it was only completed
3 by females or whether men also responded?

4 A I don't recall.

5 Q Some of the responses are anonymous,

21:14:22

6 correct?

7 A That is correct.

8 Q Okay. Do you know how large the sample
9 size was for the survey?

10 A I don't think this was a sample-type

21:14:35

11 survey. I believe that this was asking for
12 self-reports of harassment. It's not in the same
13 way that one would do, say, the sampling that we did
14 in the Oracle report.

15 Q And do you know how the recipients of the

21:14:49

16 survey were selected?

17 A I do not.

18 Q Do you know who selected the recipients of
19 the survey?

20 A I do not. I only know that there was a

21:15:00

21 volume of responses about harassment and
22 discrimination, which were deemed by the CEO to be
23 inconsistent -- let me find his exact language. So
24 obviously I found the -- the individual complaints
25 that I talked about in my report to be disturbing,

21:15:43

1 and I believe Mr. Parker, which I -- I think I
21:15:48

2 already testified to, indicated that there was a
3 concern that they had become aware of reports of
4 behaviors covering -- "... occurring within our
5 organization that do not reflect our core values of
21:16:03

6 inclusivity, respect, and empowerment" and that
7 there would be a deep dive, a comprehensive review
8 of the HR systems and that in -- in that communique
9 or another that HR has not been serving the
10 organization well.

21:16:23

11 Q Did Mr. Parker's response seem appropriate
12 to you?

13 A I don't have the full context of
14 everything that was going on and the results of the
15 investigations, but, yes, I think it's appropriate,
21:16:39

16 if a very large number of women are expressing
17 concerns -- and that I believe it wasn't simply the
18 Starfish survey but also the Alertline that had a
19 number of human resources issues -- that it would be
20 appropriate to take some sort of action.

21:16:57

21 Q Do you know how many -- how many women
22 responded to the Starfish survey?

23 A I don't. I -- I think it's someplace in
24 the neighborhood of 30 or so, but I don't have the
25 exact number.

21:17:09

1 Q Okay. Out of how many possible women?
21:17:10

2 A Well, I already told you I don't know all
3 the women to whom it was sent, so I don't know out
4 of how many possible women.

5 Q Okay. Do you know if the Starfish --
21:17:27

6 A It can only be the women to whom it was
7 sent.

8 Q Okay. And were any of the Starfish
9 surveys completed by former employees?

10 A I don't know that.
21:17:41

11 Q Okay. You -- you said that --

12 A I --

13 Q -- the allegations --

14 A Excuse me. Okay. I do know that some of
15 the people indicated, who responded to the Starfish
21:17:50

16 survey, that they were concerned about losing their
17 jobs if they brought their complaints forward. So
18 it's possible that some of them were former
19 employees.

20 Q Okay. Did you do any kind of analysis to
21:18:03

21 determine whether the 30 responses were normal,
22 abnormal for the size of Nike's workforce?

23 A This wasn't a representative survey sent
24 to all of the women at Nike, as far as I understand
25 it. It is a group that reflects serious concerns.
21:18:29

1 I believe they were generally higher-level women who
21:18:35

2 responded, as I recall from what I read, and they
3 were consistent with what was occurring in the
4 Alertline before that period of time and then
5 ultimately were followed by the departure from the
21:18:47

6 company of several senior-level executives who were
7 called an insular group who had engaged in bad
8 behavior.

9 Q Where is the -- what evidence supports
10 your statement that it was mostly higher-level
21:19:07

11 women?

12 A I believe in the -- the various responses
13 to the survey that I can recall offhand, people
14 talked about different levels of the organization,
15 their contact with different levels of the
21:19:27

16 organization over a period of time at different
17 levels, so that is my conclusion.

18 Q Did you do an analysis of the levels of
19 the people who participated in the Starfish survey?

20 A I did not. I don't believe that was one
21:19:43

21 of the questions on the survey.

22 Q Okay. What is the scientific standard for
23 a complaint being disturbing?

24 A Is there a context for that or just, in
25 general, if I would be disturbed by something or --
21:20:04

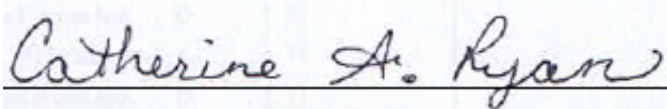
1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22  ed: September 13, 2021
23

Catherine A. Ryan, RMR, CRR
24 CSR No. 8239
25

1 RE: CAHILL VS. NIKE, INC.

2 SEPTEMBER 10, 2021, KATHLEEN K. LUNDQUIST, PH.D.,
3 JOB NO. 4778015

4 E R R A T A S H E E T

5 PAGE 20 LINE 8 CHANGE "getting" to "when
6 we were getting"

7 REASON _____

8 PAGE 32 LINE 16 CHANGE "my" to "many"

9 REASON _____

10 PAGE 80 LINE 9 CHANGE "codes" to "roles"

11 REASON _____

12 PAGE 94 LINE 14 CHANGE "authored" to "offered"

13 REASON _____

14 PAGE 148 LINE 23 CHANGE "family" to "job"

15 REASON _____

16 PAGE 182 LINE 24 CHANGE "the two" to "to"

17 REASON _____

18 Kathleen K. Lundquist

19 WITNESS

20 9/21/21

21 Date

1 RE: CAHILL VS. NIKE, INC.

2 SEPTEMBER 10, 2021, KATHLEEN K. LUNDQUIST, PH.D.,
3 JOB NO. 4778015

4 E R R A T A S H E E T

5 PAGE 218 LINE 3 CHANGE "implication" to
6 "indication"

7 REASON _____

8 PAGE 282 LINE 5 CHANGE "receives" to "reaches"

9 REASON _____

10 PAGE _____ LINE _____ CHANGE _____

11 REASON _____

12 PAGE _____ LINE _____ CHANGE _____

13 REASON _____

14 PAGE _____ LINE _____ CHANGE _____

15 REASON _____

16 PAGE _____ LINE _____ CHANGE _____

17 REASON _____

18 Kathleen K. Lundquist

19 WITNESS

20 9/21/21

21 Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
 Plaintiffs, 3:18-cv-01477-JR
 v.
NIKE INC., an Oregon
Corporation,
 Defendant.

REMOTE VIDEOCONFERENCE DEPOSITION OF
MONIQUE MATHESON
Taken in behalf of Plaintiffs
February 22, 2021

1 Q. What is Project Starfish?

2 A. I'm not sure who gave the project the name
3 "Starfish."

4 Q. Do you know what "Project Starfish" refers to?

5 A. I don't.

6 Q. Now, the survey -- Do you recall a survey that
7 was presented to Nike in the winter of 2018?

8 A. I do recall that employees created or filled out
9 a survey and it was shared with Nike sometime in
10 the spring of 2018.

11 Q. Have you heard that survey referred to as
12 project -- as the Starfish survey?

13 A. I believe some people refer to it as "Starfish."

14 Q. Do you recall that it was referred to as
15 "Starfish" because it was the subject line of
16 e-mails relating to that survey?

17 A. I don't have -- I don't know.

18 Q. Do you know why it was referred to as the
19 Starfish survey?

20 MR. PRINCE: Speculation, asked and
21 answered.

22 THE WITNESS: I don't know why it was
23 referred to as the Starfish survey.

24 Q. BY MR. BARRY GOLDSTEIN: Now, on Exhibit 581
25 [REDACTED] was listed as a person of interest.

1 Q. Have you looked in your notebooks to see if you
2 took any notes with respect to your conversation
3 that you had with vice president [REDACTED]
4 regarding the complaint that she filed with the
5 Starfish survey?

6 A. Is there a specific time period that you're
7 asking that question?

8 Q. Since you took those notes.

9 A. I have not had occasion to review the notes
10 since I took them.

11 Q. Has anybody asked you to look for notes that you
12 took with respect to conversations that you had
13 with persons who filed complaints in the
14 Starfish survey or complaints around the time of
15 the Starfish survey?

16 A. I'm sorry. I thought I, I thought I had
17 responded to this question earlier. The entire
18 set of surveys was shared with our third-party
19 counsel who led the investigation and followup
20 for all of those concerns and concerns that were
21 raised around that time period. So they would

22 have asked to see my notes regarding the general
23 concerns initially shared when the investigation
24 was taken over by our third party in partnership
25 with our employee relations group. So my notes

1 Nike?

2 A. She was.

3 Q. Do you recall whether Heather made complaints
4 about sex discrimination when you met with her?

5 A. I don't recall the specifics of her allegations.

6 Q. How did Nike learn about the Starfish survey?

7 A. Generally I heard that there was a survey. I
8 didn't, I didn't know who had created it or who
9 had it or who was filling it out. Sometime
10 after that a hard copy of surveys was provided
11 and that's how, that's how I learned about the
12 surveys.

13 Q. You say a hard copy of the surveys was provided.
14 Who provided the hard copy?

15 A. I can't recall the name of the individual who
16 provided the hard copy of the surveys, but the
17 hard copies were provided to me and Hilary.

18 Q. Were you and Ms. Krane together when the hard
19 copy was provided?

20 A. I believe we were.

21 Q. How did that come about that the two of you were
22 together and a hard copy of the survey was
23 provided?

24 A. I'm sorry. Would you repeat that question?

25 MR. BARRY GOLDSTEIN: Aleshia.

1 time, Daniel. I understand the objection.

2 MR. PRINCE: I understand. I was objecting
3 on the basis that there are a few ideas in that
4 paragraph.

5 MR. BARRY GOLDSTEIN: You're correct.

6 THE WITNESS: It is correct that in
7 mid-February Hilary and I became aware ^{of} ~~if~~
8 concerns from employees and we began a
9 fact-finding process. I don't recall when Mark
10 received a packet of the employee surveys.

11 Q. BY MR. BARRY GOLDSTEIN: Did Mark, excuse me,
12 Mr. Parker, the CEO, did he receive a packet of
13 the completed surveys?

14 A. I believe he did receive a packet of the
15 surveys. I don't recall when or who provided
16 the packet to him.

17 Q. So I take it you didn't provide the packet to
18 him?

19 A. I don't recall.

20 Q. Do you recall if Hilary Krane provided the
21 packet?

22 A. I don't recall.

23 Q. What was the fact finding that was begun when
24 you and Ms. Krane became aware of the concerns
25 in mid-February?

1 A. When employees came forward with concerns,
2 Hilary and I, we made ourselves available to the
3 employees so that we could hear firsthand their
4 concerns. These conversations are the fact
5 finding that Hilary and I conducted. As I've
6 earlier noted, our third party, Seyfarth, led a
7 full investigation process as a supplement to
8 any of the work that Hilary and I did.

9 Q. When was Seyfarth retained by Nike to
10 investigate the concerns of employees who
11 express those concerns in mid-February 2018?

12 A. I don't recall the date that Seyfarth was
13 brought on.

14 Q. Do you recall the month?

15 A. I don't recall the month.

16 Q. Do you recall if it was before or after
17 Mr. Parker was provided a packet of the surveys?

18 A. I don't recall. I don't recall.

19 MR. PRINCE: Barry, it's just about 1:00. I
20 don't want to interrupt your flow here, but it
21 may be time for a lunch break at some point in
22 the near future.

23 MR. BARRY GOLDSTEIN: Absolutely.

24 Q. BY MR. BARRY GOLDSTEIN: Do you know when Katy
25 Tisch left employment at Nike?

1 MR. PRINCE: Speculation.

2 THE WITNESS: I'm not sure what Mark was
3 referring to or why those words are underlined.

4 Q. BY MR. BARRY GOLDSTEIN: Do you know if -- Do
5 you know Danny Tawiah, T A W I A H? And I may
6 have mispronounced his name. Do you know
7 Mr. Tawiah?

8 A. I know Danny Tawiah was a Nike --

9 Q. Tawiah.

10 A. Yeah. I know he was a Nike employee.

11 Q. Was Mr. Tawiah a vice president at Nike?

12 A. He was a vice president at Nike.

13 Q. Do you know if he exited Nike in the spring of
14 2018?

15 A. I believe Mr. Tawiah left the company in the
16 spring of 2018.

17 Q. Do you know a Ms. Lauren Anderson, who is an
18 opt-in plaintiff in this case?

19 A. I am not familiar with -- Lauren Anderson?

20 Q. Yes.

21 A. I am not familiar with her.

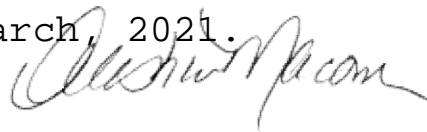
22 Q. Do you know if she filed a complaint in 2018
23 with respect to Mr. Tawiah?

24 A. I don't recall whether she filed a complaint
25 involving Mr. Tawiah.

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that MONIQUE MATHESON appeared before me remotely at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 213, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 3rd day of March, 2021.



Aleshia K. Macom

OR CSR No. 94-0296, Expires 9-30-2023

WA CCR No. 2095, Expires 7-7-2021

*Cahill, et al v. Nike***Monique Matheson Deposition Errata**

Page: Line	Reads	Should Read	Reason
42:3	"employee"	"email"	To correct a transcription error
44:20	"agreement"	"team/organization"	To correct a transcription error
97:7	"Hilary and I became aware if"	"Hilary and I became aware of"	To correct a transcription error
109:7	"revered"	"referred to"	To correct a transcription error
151:14	"advice"	"request"	To correct a transcription error
172:25	"in the email"	"in the fifth full paragraph of page 3 of Exhibit 512"	To clarify an ambiguity in the question asked
181:4	"value"	"values"	To correct a transcription error
182:24	"We did not conduct this analysis"	"We did not complete this analysis"	To conform to the facts, consistent with other testimony
189:16	"levels"	"levers"	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: Apr 19, 2021



Monique Matheson

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated,
Plaintiffs,

v. No. 3:18-cv-01477-JR
NIKE INC., an Oregon
corporation,
Defendant.

DEPOSITION OF JULIAN MILLER
PURSUANT TO FRCP 30(B)(6)
THURSDAY, JUNE 3, 2021

Reported by: Marilyn Hoover, RPR
Oregon CSR No. 04-0387

1 Q. Okay. Is it -- Is it possible for a
2 recruiter, once they are aware of a candidate who
3 applies for, say, job A, and they have job B that's
4 similar, that they could look at that candidate's
5 profile and say, "I think you might be a good fit
6 for job B," and extend them an invitation to apply
7 for that other open position?

8 A. It's possible. That would be up to the
9 individual recruiter for that requisition.

10 Q. On the slide ending in 2160, there's a box
11 that says "job submission" in the middle.

12 Do you see that?

13 A. Yes.

14 Q. Okay. And this is -- it says:
15 "Information submitted by the candidate for the
16 specific position includes answers to screening
17 questions."

18 Is that right?

19 A. Yes.

20 Q. Okay. And so that's basically describing
21 when a candidate -- they specifically fill out a job
22 application for a specific open requisition
23 position?

24 A. Yes.

25 Q. Okay. Right below that is a box that says

1 "passive candidate correspondence."

2 Do you see that?

3 A. Yes.

4 Q. Okay. And it says: "Recruiters can
5 invite candidates to apply to the specific
6 requisition."

7 Is that true?

8 A. Yes.

9 Q. Okay. And what guidelines, if any, are
10 given to recruiters about when it's appropriate to
11 invite candidates to apply for specific
12 requisitions?

13 A. That's up to the discretion of the
14 individual recruiter for that requisition.

15 THE REPORTER: I didn't catch your
16 objection, counsel.

17 MS. DAVIS: Sorry, I was muted.

18 My objection was just that it's outside
19 the scope of the deposition topic.

20 Q. BY MR. KAN: Are there -- Are there any
21 parameters within Taleo that limit or cabin what
22 types of invites recruiters can send to candidates
23 to encourage them to apply for a specific
24 requisition?

25 A. No.

1 recruiter from matching a candidate to a different
2 requisition based on, you know, preset limits or
3 parameters.

4 Is that right?

5 A. That's correct.

6 Q. Okay. Now, when it comes to the
7 guidelines that Nike provides recruiters about when
8 they should match a candidate to a different open
9 job, what are those guidelines?

10 A. The guidelines are very specific. It has
11 to be a job that meets the same band level. Right?
12 It's the same seniority, the same job code. We're
13 recruiting within those roles within a similar time
14 frame, so it's still a valid application. And the
15 screening criteria, as we mentioned, those
16 pre-screening questions are the same amongst those
17 requisitions. Those are -- Those are the guidelines
18 that we educate them on. Right? So we can show in
19 the system that -- that those roles use the same
20 criteria, that recruiters screen candidates based on
21 the same criteria based on -- across multiple
22 requisitions.

23 Q. Okay. Are there any other guidelines that
24 Nike provides?

25 A. No, not to my knowledge.

1 STATE OF OREGON)
) SS.

2 COUNTY OF MULTNOMAH)

3 I, MARILYNN HOOVER, CSR No. 04-0387 for the
4 State of Oregon, do hereby certify:

5 That prior to being examined, the witness named
6 in the foregoing deposition was duly sworn to
7 testify the truth, the whole truth, and nothing but
8 the truth;

9 That said deposition was taken down by me in
10 shorthand at the time and place therein named, and
11 thereafter reduced by me to typewritten form; and
12 that the same is a true, correct, and complete
13 transcript of the said proceedings.

14 Before completion of the deposition, review of
15 the transcript [] was [X] was not requested. If
16 requested, any changes made by the deponent (and
17 provided to the reporter) during the period allowed
18 shall be appended hereto.

19 I further certify that I am not interested in
20 the outcome of the action.

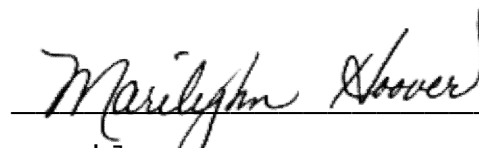
21 Witness my hand this 7th day of June 2021

22

23

24

25



Marilynn Hoover, RPR

CSR No. 04-0387; Exp. 03/31/2023



Cahill, et al v. Nike**Julian Miller Deposition Errata**

Page: Line	Reads	Should Read	Reason
42:10	"Correct. Everything done through Taleo is through an open requisition, so it needs to be an open job that is being hired against. It is not a sourcing tool for identifying talent that would be interested in working at Nike."	"Correct, Nike does not use Taleo to proactively identify potential candidates. Everything done through Taleo is through an open requisition, so it needs to be an open job that is being hired against. It is not a sourcing tool for identifying talent that would be interested in working at Nike."	To clarify an answer, consistent with other testimony
89:5	"the recruiter's discrepancy."	"the recruiter's discretion."	To correct an incorrect word choice
111:5	"recruiter, right, based on their discrepancy."	"recruiter, right, based on their discretion."	To correct an incorrect word choice
112:22	"I'm not."	"I don't."	To correct a transcription error
113:17-18	"No, not beyond those two data points that you mentioned."	"No, not beyond those two data points that you mentioned, but recruiters are instructed to only match applicants to identical job openings being recruited for at the same time."	To clarify an answer, consistent with other testimony
115:9	"we've done – esthetic updates,"	"we've done – aesthetic updates,"	To correct a transcription error
121:2-3	"Yes, Taleo records offer information."	"Taleo records offer information."	To clarify an answer to a confusing and compound question
131:12-15	"Those would be the questions itself. So O and P are the number of questions that are asked as part of the application, and R would be the questions themselves, to my understanding."	"'Qualifications' as reflected in Column R is a subset of the job description information."	To clarify an answer, consistent testimony later corrected at 168:8-24
135:13-14	"Ah, yeah, I've seen recruiters use them interchangeably."	"Beaverton and Portland often are used interchangeably, but there are retail stores in Portland that are not WHQ positions. There is also an employee store in	To clarify an answer

		Beaverton and Air MI also is in Beaverton.”	
158:13	“It doesn’t – It would appear that way.”	“It doesn’t – but I understand how it could appear that way.”	To clarify an answer, consistent with other testimony
162:15	“I will research and get back to you.”	<p>“The ‘system’ designation that appears on Ms. Linebaugh’s 2011 record occurred in an older version of the Taleo software used by Nike in 2011. In that version of Taleo, any system action that included a change to more than 10 candidate records at one time was considered a batch action. This included matching more than 10 candidates to a requisition. To complete a batch action, the scheduler service in the Taleo software ran a batch task. This operation was tracked as being performed by the ‘System,’ rather than by the user who actually performed the request, due to the nature of this scheduler service. In this instance, we believe that the Recruiter manually matched a number of candidates to requisition number 052046, including but not limited to Ms. Linebaugh. Because the action included more than 10 candidate files, it was run through the Taleo scheduler service and therefore was logged as being performed by the ‘System’ rather than by the user who actually made the request. The decision regarding which candidates to match to the requisition and executing the steps in the system to match candidates to requisition 052046 were all performed manually by the Recruiter. The</p>	To respond fully to the question after additional research

		Taleo system did not make any automated decisions.”	
163:21	“No, not to my knowledge.”	“I am not aware of any written policies, but after the deposition, I reviewed Taleo and confirmed that Nike has not used any of the automated systems discussed during the deposition.”	To clarify an answer more fully after additional research

I attest that the above-referenced changes are true and correct.

Date: 7/27/2021

DocuSigned by:

DEAE0A4DEED24F2... Julian Miller

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

)
KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER)
HENDER, individually and on)
behalf of others similarly)
situated,)

Plaintiffs,)

vs.)

No. 3:18-CV-01477-JR

NIKE, INC., an Oregon)
Corporation,)

Defendant.)
_____)

VIDEOTAPED REMOTE DEPOSITION OF DAVID NEUMARK, Ph.D.
San Francisco, California
Tuesday, August 31, 2021
Volume I

Reported by:

CATHERINE A. RYAN, RMR, CRR

CSR No. 8239

Job No. 4778006

PAGES 1 - 299

Page 1

1 maybe it is. 09:41:08

2 Q Okay. So back to my original question.

3 If you -- if I asked you to determine --

4 so, again, named Plaintiff Kelly Cahill worked in

5 one job during the class period. That job was 09:41:24

6 A1046. You've told me that I cannot look at your

7 report and know whether women in job code A1046 are

8 paid statistically significantly less than men in

9 job code A1046 during the class period, correct?

10 MR. KAN: Objection. Asked and answered. 09:41:46

11 Argumentative.

12 THE WITNESS: You cannot tell for sure

13 because -- because my report does not contain the

14 answer from studying that question for that job code

15 in isolation. 09:41:57

16 BY MS. DAVIS:

17 Q Okay. And it doesn't contain the results

18 for any job code in isolation, correct?

19 A Then my -- all of those -- my answer and

20 the previous ones would be the same for any -- 09:42:09

21 whichever hypothetical job code you ask me about,

22 not just the specific one you mentioned.

23 Q Okay. Right.

24 I could ask you about any job code in the

25 covered positions, and your answer would be the 09:42:22

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1 same, that your report does not tell me whether 09:42:24
2 women are paid statistically significantly less than
3 men within that same job code, correct?

4 A The important qualification would be the
5 more you ask me about it, the more my report does 09:42:38
6 speak to that directly because obviously my estimate
7 is representative of job codes and women and men.
8 But in isolation, correct.

9 Q Correct. Right.

10 So Sara Johnston, another named plaintiff, 09:42:53
11 worked in job code A0692.

12 I can't find in your report anywhere
13 whether women in job code A0692 were paid
14 statistically significantly less than men in job
15 code A0692, correct? 09:43:12

16 MR. KAN: Objection. Asked and answered.
17 Lacks foundation.

18 THE WITNESS: Well, I mean, I'm -- I'll
19 take as -- as true the -- the job you said she
20 worked in. And, again, my -- you know, the -- as 09:43:27
21 the evidence from an aggregate model is informative,
22 but it does not specifically answer the question of
23 what you would get if you studied that job code in
24 isolation, by which I mean throwing out all of the
25 other data. 09:43:42

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1 Q My question is slightly different. 10:10:26

2 You didn't analyze the job contents or the
3 duties of the jobs to know whether you were grouping
4 employees who actually performed similar work?

5 A I didn't -- I did not engage in any 10:10:42
6 exercise like that. It's not my expertise.

7 Q Okay. So assuming that I'm correct that
8 there would be a control for business operations,
9 lead professionals, that that is a grouping within
10 your data, is there anywhere in your report where I 10:11:04
11 can see whether women in the business operations,
12 lead professional job subfamily level interaction
13 were paid substantially significantly -- sorry --
14 statistically significantly less than men in the
15 business operations, lead professionals grouping? 10:11:27

16 A So I don't know if this helps shortcut
17 questions or if you care if I shortcut questions or
18 not. But when I was responding earlier, I think we
19 were throwing around the word "job" or maybe "job
20 code." I actually don't recall. I meant that to 10:11:44
21 apply to these unique combinations because -- that
22 are picked up by the interactions. I view those as
23 essentially the same. I'm happy to answer --

24 Q Okay. So if the -- yeah, I'd like the

25 answer to my question. 10:11:57

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1 Is -- is there anyplace in your report 10:11:58
2 that I can see whether women in the business
3 operations, lead professional grouping that you've
4 created were paid statistically significantly less
5 than men in the business operations, lead 10:12:14
6 professionals grouping during the relevant class
7 period?

8 A So, again, I estimate an aggregated model.
9 The aggregated model is informative about job codes
10 because the gender gap is identified within job -- 10:12:28
11 sorry. I'm using "job codes." I'm looking for a
12 shorthand -- is -- is representative of job
13 subfamily, job level interactions because all the
14 gender gap is identified within those unique
15 combinations of job subfamilies and job levels, but 10:12:43
16 there is no analysis of any of those unique pairs in
17 isolation.

18 Q Okay. Is there a page I can look at in
19 your report that will tell me whether women in the
20 business operations, lead professionals grouping are 10:12:59
21 paid statistically significantly less than men in
22 the business operations, lead professionals grouping
23 during the relevant class period?

24 MR. KAN: Objection. Asked and answered.

25 THE WITNESS: There are lots of pages that 10:13:14

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1 report those results from the aggregate analysis, 10:13:16
2 which, as I said, is informative. There are no
3 pages or tables -- I guess those are the same --
4 which study the data for that subfamily level pair
5 in isolation, i.e., discarding all of the other 10:13:27
6 data.

7 BY MS. DAVIS:

8 Q And I assume if I grabbed any one of the
9 other 900 groupings and asked you the same question,
10 you would not be able to point to a page or tell me 10:13:42
11 where in your report I could find a result for that
12 specific job subfamily level grouping; is that
13 correct?

14 A I would give you the exact same answer,
15 yes. 10:13:55

16 Q Okay. Did you run any analysis by job
17 subfamily level interaction?

18 MR. KAN: Objection. Vague and ambiguous.

19 THE WITNESS: Again, my -- my answers
20 previously, I -- I interpreted the same as about 10:14:15
21 this, although I could see where, you know, it
22 wasn't specifically the same.

23 So I did not do separate analyses by
24 unique pairs of subfamily^{and} levels.

25 //

1 BY MS. DAVIS: 10:14:29

2 Q Okay. And just to be clear since you're
3 telling me now that you assumed my job code question
4 was this, let me just ask you.

5 Did you do any analysis by job code? 10:14:36

6 MR. KAN: Objection. Vague and ambiguous.

7 THE WITNESS: So do you mean by -- for an
8 individual job code in isolation? No --

9 BY MS. DAVIS:

10 Q Yes. 10:14:52

11 A -- I did not. Sorry.

12 No, I did not.

13 Q Why did you not run any analysis by job
14 subfamily level interaction?

15 MR. KAN: Objection. Vague and ambiguous. 10:15:12

16 THE WITNESS: The -- the answer is the
17 same as before. The aggregate model is informative
18 for understanding the pattern or practice or the
19 systematic differences and outcomes between men and
20 women, and it's -- and a separate analysis by 10:15:30
21 subfamily level -- excuse me -- would get
22 increasingly uninformative as -- as cells got
23 smaller and/or estimates got very imprecise as a
24 result of doing that.

25 //

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1 of promotions. One you call "competitive 16:21:31
2 promotion," and the other you call "noncompetitive
3 promotion," correct?

4 A Yes.

5 Q How did you define a promotion in the data 16:21:42
6 for your analysis?

7 A Moving up a -- one or more job levels,
8 which I believe I cite -- I believe I cited
9 something from deposition testimony that that was --
10 I mean, it makes a lot of sense, but also that was 16:21:57
11 the way.

12 Q Did you require that there also be a pay
13 increase associated with the job change?

14 A Not -- no, I did not ^{im}pose that as a
15 criterion. 16:22:14

16 Q Okay. If you look at all promotions, if
17 you use just the individual controls, does it show
18 that men or women are more likely to be favored in
19 promotions during the time period titled in Table
20 10? 16:22:38

21 A The estimate is positive, so it favors
22 women, not statistically significant, at the five or
23 10 percent level.

24 Q And how about when you add job subfamily
25 as a control? Does it appear that men or women are 16:22:49

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1 favored with respect to promotions? 16:22:53

2 A The evidence is most consistent with
3 women, again, not statistically significant, at the
4 five or 10 percent level.

5 Q And when you add the interaction of 16:23:06
6 subfamily and job level when you're looking at all
7 promotions, does it appear that women or men are
8 favored?

9 A Now it flip signs. So men are favored --
10 again, same -- same -- not statistically 16:23:16
11 significant, at the five or 10 percent level.

12 Q And if you look at pre-April 2018, does it
13 appear that men or women are favored with respect to
14 promotion?

15 A Not very -- very similar to column 3 16:23:33
16 because it's almost -- it's almost the same data.
17 There isn't that much data after April 2018. Women
18 are favored -- sorry. Men are favored; women
19 disfavored, again, not significant, at the five or
20 10 percent level. 16:23:46

21 Q Okay. And then how about after April
22 2018? Does it appear that men or women are favored
23 with respect to promotions during that time period?

24 A That's about as close to zero as you could
25 get. .0003. So neither. 16:23:57

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1 Q Okay. Okay. Looking at just -- just 16:24:01
2 panel A, would you agree that the all-promotions
3 data does not suggest that women or men are favored
4 with respect to promotions at Nike?

5 A Well, I would say two things. I would -- 16:24:19
6 I would put -- I think column 3 is a lot more
7 important than column 1 and 2, and I explain my -- I
8 explain why in my report, because promotion rates
9 vary by level. They're higher at the lower levels
10 at which women are more likely to be employed. That 16:24:34
11 said, if you look at column 3, the estimate, as I
12 just said, is consistent with a lower promotion rate
13 for women, but it's not statistically significant at
14 the five or 10 percent level.

15 Q So there's no statistically significant 16:24:49
16 results for or against women with respect to the
17 all-promotions group, correct?

18 A By -- I mean, I was specific about
19 significance levels, but I think by -- by most
20 people's standards of statistically significant, 16:25:03
21 that's five or ten, correct.

22 Q All right. If you look at the next panel,
23 you appear to be analyzing competitive promotions
24 only; is that accurate?

25 A Yes. 16:25:29

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1 Q Do you know who -- do you know who makes 17:00:01
2 the promotion decisions at Nike?

3 A No, I did not study the processes in that
4 kind of question.

5 Q Did you do any -- do you have any analysis 17:00:17
6 that shows by decision maker or by job family or by
7 any of the actual ways that the decisions are made
8 which groups may show a female overage, which may
9 show a female shortfall?

10 MR. KAN: Objection. Vague and ambiguous. 17:00:34

11 THE WITNESS: Sorry. You started out
12 about decision makers, I think, and then you
13 switched to group experiences. So I'm not quite
14 sure which one you're asking about.

15 BY MS. DAVIS: 17:00:45

16 Q Well, did you do any analysis to determine
17 if there is a specific job family where women are
18 not being promoted?

19 A No, and for reasons I just said.

20 Q Whether -- whether there's a specific 17:00:59
21 decision maker who is not promoting women?

22 A I -- I definitely did not study that. I
23 was looking at statistical patterns, not what
24 individual people were or weren't doing.

25 Q With respect to your job-leveling -- 17:01:17

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1 starting job-leveling analysis, is there a way in 17:01:20
2 your report for me to identify which women were
3 under-leveled?

4 A No. It's the same as my answer about
5 promotions. There's -- there's data with which one 17:01:30
6 might draw an inference as to who was more likely to
7 have been under-leveled than not, but, you know,
8 statistical analysis cannot explain the -- the
9 specific behavior of an individual, as I've said
10 numerous times. 17:01:47

11 MS. DAVIS: Let's take a break.

12 THE WITNESS: 'Til -- oh, sorry.

13 THE VIDEOGRAPHER: Going off the record.

14 The time is 5:02.

15 (Recess.) 17:02:02

16 THE VIDEOGRAPHER: We're back on the

17 record. The time is 5:21.

18 BY MS. DAVIS:

19 Q Dr. Neumark, did you review any documents
20 during the break? 17:21:33

21 A No.

22 Q The data that you received from Nike does
23 not have applicants' prior pay information, correct?

24 A Yeah, that's my understanding. Correct.
25 Unless somebody happened to put it on a resumé, yes. 17:21:56

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1 Q Okay. So you don't have a way to analyze 17:22:02
2 whether women reported lower prior pay when they
3 applied to Nike than men, correct?

4 A Correct.

5 Excuse me. I'm just going to close my 17:22:21
6 window because now the wind is howling. Okay.

7 Q With respect to your incumbent pay model
8 -- I'm calling it incumbent pay, Table 2.

9 Are you there?

10 A Yes, I am. 17:22:54

11 Q Okay. Are you -- is Table 2 intended to
12 model any specific compensation process at Nike?

13 A I would say it's -- it's not specific.
14 It's meant to study the overall outcome.

15 Q Okay. Did you do any analysis of what 17:23:13
16 Nike calls "two times pay" or "2X pay"?

17 A Not -- not explicitly, no.

18 Q With respect to leveling decisions at
19 hire, do you -- do you know who makes those
20 decisions at Nike? 17:23:51

21 A I don't. I did not study processes or
22 decision makers, just outcomes.

23 Q Okay. And did you include anything in
24 your analysis to try to model level at hire by
25 decision maker? 17:24:05

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1 A No. 17:24:07

2 Sorry. I have a pop-up screen. One
3 second.

4 No, I did not.

5 Q With respect to starting pay, do you know 17:24:16
6 who makes starting pay decisions at Nike?

7 A No. I didn't study that.

8 Q Did you include anything in your analysis
9 to try to model starting pay by decision maker?

10 A No. 17:24:38

11 Q With respect to merit increases, do you
12 know who makes -- who's the decision maker with
13 respect to merit increases at Nike?

14 A No, I didn't study decision makers or
15 processes. 17:25:02

16 Q Did you include anything in your analysis
17 to try to model merit increases by decision maker?

18 A No.

19 Q With respect to incumbent pay, your Table
20 2, do you know who is responsible for making 17:25:20
21 decisions about incumbent pay at Nike?

22 A I -- I do not know explicitly. I did not
23 study that. I didn't model it.

24 Q Let me just ask the question.

25 Did you include anything in your analysis 17:25:37

Page 294

1 to try to model incumbent pay by decision maker? 17:25:38

2 A No. I'm looking at overall outcomes and
3 the disparities and whether other factors explain
4 them.

5 Q And do you know who makes the decision 17:25:50
6 with respect to bonuses at Nike?

7 A No.

8 Q And did you include anything in your model
9 to try to model bonuses by decision maker?

10 A I thought you broke out. So can you just 17:26:16
11 read it again because there was a pause, and I want
12 to make sure I didn't miss anything.

13 Q Oh, yeah. Certainly.

14 Yeah. Did you include anything in your
15 analysis to try to model bonuses -- bonus payments 17:26:26
16 by decision maker?

17 A I assumed it was the same question.

18 So the answer is no.

19 Q When we were talking earlier today about
20 the -- your incumbent pay analysis, so specifically 17:26:50
21 Table -- sorry -- column 4, Table 2, and look at
22 panel C, the log of base pay and PSP bonuses, you
23 said that there may be some job family and level
24 group where women are paid more than men within the
25 same group, correct? 17:27:30

Page 295

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

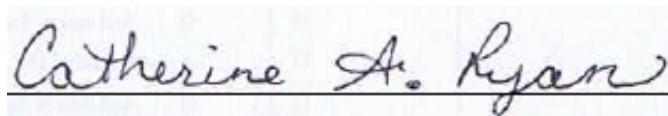
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: 09/07/2021

23 

24 Catherine A. Ryan, RMR, CRR

25 CSR No. 8239

Page 299

Errata Sheet for the Deposition of David Neumark
Taken on August 31, 2021 in the matter of *Cahill et al. v. Nike, Inc.*

Page: 20

Line: 15

Change: “average” to “averages”

Reason: transcription error (TE)

Page: 21

Line: 6

Change: “An” to “The”

Reason: TE

Page: 27

Line: 6

Change: “me” to “me – “

Reason: TE

Page: 32

Line: 3

Change: “statistical” to “statistically”

Reason: TE

Page: 32

Line: 14

Change: “variant” to “variance”

Reason: TE

Page: 33

Line: 10

Change: “criteria” to “criterion”

Reason: TE

Page: 33

Line: 13

Change: “is” to “as”

Reason: TE

Page: 33

Line: 14

Change: “informed.” to “informative.”

Reason: TE

Page: 35

Line: 10-11

Change: “there. But” to “there – but”

Reason: TE

Page: 35

Line: 20

Change: “any” to “that any”

Reason: Clarification (C)

Page: 38

Line: 14

Change: delete “, so”

Reason: C

Page: 41

Line: 18

Change: “and I simply” to “and later I simply”

Reason: Clarification

Page: 45

Line: 21

Change: “scales” to “skills”

Reason: TE

Page: 46

Line: 7

Change: “moves” to “means”

Reason: TE

Page: 46

Line: 13

Change: “reference” to “referenced”

Reason: TE

Page: 53

Line: 24

Change: “subfamily levels.” To “subfamily and levels.”

Reason: TE

Page: 57

Line: 23

Change: “some does.” to “one does.”

Reason: TE

Page: 63

Line: 19

Change: “has” to “as”

Reason: TE

Page: 69

Line: 14

Change: “It’s like I can’t identify.” to “I can’t identify it.”

Reason: C

Page: 69

Line: 17

Change: “shortfall.” to “shortfall?”

Reason: TE

Page: 75

Line: 13

Change: “about. The” to “about – the”

Reason: TE

Page: 78

Line: 13

Change: "simplist" to "simplest"

Reason: TE

Page: 81

Line: 10

Change: "of" to "about"

Reason: TE

Page: 82

Line: 10

Change: "that that that that" to "that"

Reason: TE/C

Page: 84

Line: 6-7

Change: "We got/we got" to "We've got/we've got" (3 X)

Reason: TE

Page: 90

Line: 8

Change: "research" to "in research"

Reason: TE

Page: 91

Line: 23

Change: "the appendix" to "vs. the appendix"

Reason: TE

Page: 92

Line: 16

Change: "corpuses" to "corpora"

Reason: Correction

Page: 95

Line: 25

Change: "day" to "data"

Reason: TE

Page: 116

Line: 8

Change: "has" to "hasn't"

Reason: TE

Page: 126

Line: 24

Change: "matter" to "matters"

Reason: TE

Page: 127

Line: 24

Change: "linguistic" to "linguistically"

Reason: TE

Page: 127

Line: 25

Change: "say," to "say:"

Reason: TE

Page: 135

Line: 14, 15

Change: "square" to "squared" (2X)

Reason: TE

Page: 145

Line: 7

Change: ", the person who got the highest degree." to "the person got the highest degree from."

Reason: C

Page: 146

Line: 8

Change: "not just" to "not that"

Reason: TE

Page: 149

Line: 12

Change: "spell" to "spelled"

Reason: TE

Page: 149

Line: 12-13

Change: "present it" to "presented"

Reason: TE

Page: 150

Line: 24

Change: "everyone. There" to "everyone – there"

Reason: TE

Page: 154

Line: 11

Change: "turned down," to "turned on,"

Reason: TE

Page: 161

Line: 18

Change: "send me the report" to "send me the quote from the report"

Reason: Clarification

Page: 161

Line: 20

Change: "a cite page" to "and cite a page"

Reason: TE

Page: 175

Line: 23-24

Change: “estimate, that you did obtain from the data” to “estimate that you did obtain from the data,”

Reason: TE

Page: 176

Line: 23-24

Change: “five. One I don’t report. I recorded.” to “, five are recorded.”

Reason: TE

Page: 177

Line: 10

Change: “by .56” to “at .56”

Reason: TE

Page: 185

Line: 14

Change: change “think to do it” to “think of to do with it.”

Reason: TE

Page: 193

Line: 11

Change: “do worse.” to “do better.”

Reason: Correction/TE

Page: 197

Line: 18

Change: “P level” to “P value”

Reason: TE

Page: 202

Line: 11

Change: “date” to “data”

Reason: TE

Page: 204

Line: 11

Change: “Time and” to “Time in”

Reason: TE

Page: 209

Line: 20

Change: “could” to “couldn’t”

Reason: TE

Page: 209

Line: 24

Change: “having this ranking compensation” to ?

Reason: TE – but I can’t tell from written transcript what I said

Page: 213

Line: 4

Change: “are hired” to “you are hired”

Reason: TE

Page: 213

Line: 25

Change: "have" to "are"

Reason: TE

Page: 214

Line: 18-19

Change: "by subfamily or by the subfamily algorithm" to "by subfamily."

Reason: TE/Clarification

Page: 217

Line: 1

Change: "unmet" to "always"

Reason: TE

Page: 229

Line: 1

Change: "take" to "make"

Reason: TE

Page: 229

Line: 17

Change: "policy change for the" to "policy change. For the"

Reason: TE

Page: 229

Line: 18

Change: "employees. And note it's 15,000 versus about 3600." to "employees – and note it's 15,000 versus about 3600 --"

Reason: TE

Page: 229

Line: 19

Change: "There" to "there"

Reason:

Page: 233

Line: 4

Change: "2018, '19" to "2018-19"

Reason: TE

Page: 235

Line: 17

Change: "there is" to "merits"

Reason: TE

Page: 237

Line: 6

Change: "time and" to "time in"

Reason: TE

Page: 237

Line: 22

Change: “as respect” to “with respect”

Reason: TE

Page: 238

Line: 16

Change: “first” to “for”

Reason: TE

Page: 240

Line: 21

Change: “pre-periods” to “pre-period’s”

Reason: TE

Page: 243

Line: 9

Change: “before, it’s September 7 – 27 – ’17, is – that’s” to “before September ’17, that’s”

Reason: Clarification

Page: 244

Line: 5

Change: “interactives” to “interactions”

Reason: TE

Page: 244

Line: 18

Change: “data” to “Stata”

Reason: TE

Page: 244

Line: 24

Change: “in” to “on”

Reason: TE

Page: 245

Line: 1

Change: “its data” to “Stata”

Reason: TE

Page: 246

Line: 3

Change: “report” to “support”

Reason: TE

Page: 246

Line: 6

Change: “The best estimate is get” to “The best estimate is women get”

Reason: TE

Page: 248

Line: 6-7

Change: “common sense” to “close to Column 6”

Reason: TE

Page: 252

Line: 4

Change: "control" to "controls"

Reason: TE

Page: 252

Line: 8

Change: "in the sample" to "with the sample"

Reason: TE

Page: 254

Line: 4

Change: After period, add "But this refers to explaining the gender gap in base pay, not explaining variation in base pay."

Reason: Clarification

Page: 261

Line: 14

Change: "pose" to "impose"

Reason: TE

Page: 267

Line: 8

Change: "professor" to "professor candidates"

Reason: TE/clarification

Page: 268

Line: 1

Change: "application" to "applications"

Reason: TE

Page: 268

Line: 18

Change: "level of industry" to "cell of industry and"

Reason: TE

Page: 270

Line: 13

Change: "five" to "at the five"

Reason: TE

Page: 279

Line: 12

Change: "these controls" to "the gender variable"

Reason: TE/clarification

Page: 280

Line: 3

Change: "process, makes" to "process. Makes"

Reason: TE

Page: 282

Line: 9

Change: "CHR" to "CHRO"

Reason: TE/clarification

Page: 283

Line: 3

Change: "the profits" to "steered"

Reason: TE

Page: 283

Line: 8

Change: "interaction" to "interacting"

Reason: TE

Page: 285

Line: 10

Change: "looser" to "loose"

Reason: TE

Page: 288

Line: 9

Change: "we discuss" to "we discussed"

Reason: TE

Page: 297

Line: 7, 8

Change: "anything" to "anything's" 2X

Reason: TE



David Neumark

9/23/21

Date

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON, PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on
behalf of others similarly
situated,

Plaintiffs,

vs.

Case No.:
3:18-cv-01477-JR

NIKE, INC., an Oregon
corporation,
Defendant.

VIDEO-RECORDED ZOOM VIDEOCONFERENCE DEPOSITION OF
DONNA OLSON
Friday, December 11, 2020
Volume I

Reported by:
MICHELLE BULKLEY
CSR #13658
Job #4347602
PAGES 1 - 265

Page 1

1 Q Did you ever learn who did get that 12:04
2 position?

3 A No.

4 Q Okay. And then the second application you
5 said you submitted was for a security supervisor 12:05
6 position --

7 A Yes.

8 Q -- at Nike?
9 Do you recall how you learned about that
10 opening? 12:05

11 A A newspaper.

12 Q There was like a -- if you recall, like an
13 advertisement for a vacancy?

14 A Yeah. It was in the "Help Wanted" section
15 where all the jobs were listed. 12:05

16 Q Okay. You submitted your application for
17 the security supervisor position. Was that also via
18 mail, if you can recall?

19 A I believe so, yes.

20 Q Do you recall the contents of the 12:06
21 application?

22 A No.

23 Q Okay. And then what happened?

24 A I believe a couple of weeks later, I got a
25 call for an interview, and I went in and was 12:06

1 interviewed by Josh Harris and Dan Marin. And when 12:06
2 I left and got home, my phone was ringing, and they
3 offered me the job.

4 Q Dan Marin, do you know how to spell his
5 last name? 12:06

6 A M-A-R-I-N.

7 Q Do you recall their job titles?

8 A Dan Marin was the day shift supervisor,
9 and Josh Harris was the manager.

10 Q Security manager? 12:07

11 A Yes.

12 Q And then Dan Marin was the day shift
13 supervisor for security?

14 A Yes.

15 Q You interviewed with them both at the same 12:07
16 time?

17 A Yes.

18 Q And did you say -- was that in person?

19 A Yes.

20 Q And what about the job opportunity as a 12:07
21 security supervisor interested you?

22 A Well, it was basically what my background
23 was, was security supervision. And the other thing
24 that was attractive is it wasn't a contract security
25 agency; it was an in-house security program. 12:08

1 Q Had you been interested in working at Nike 12:08
2 before?

3 A Basically I was, like, applying for a job.
4 I actually had another job offer from Multnomah
5 County as a security officer for the courts, and I 12:08
6 chose Nike over Multnomah County.

7 Q Why did you choose Nike?

8 A I think partly my brother ran track, and
9 Steve Prefontaine was a big hero, and that was part
10 of it. And Nike, on the other hand, was closer to 12:09
11 my house, and I wouldn't have to drive downtown.

12 Q Anything else?

13 A No.

14 Q So when you had your in-person interview
15 with Josh Harris and Dan Marin about the security 12:09
16 supervisor position, did you discuss compensation at
17 all?

18 A I don't remember.

19 Q Okay. And then you said that they called
20 you that same day as the interview -- 12:09

21 A Yes.

22 Q -- to offer you the job.
23 Do you recall if you received an offer
24 letter?

25 A I think I did. 12:10

1 Q And when you spoke to Josh Harris and Dan 12:10
2 Marin on the phone when they offered you the job,
3 did they discuss compensation with you then, if you
4 recall?

5 A Actually, the person that called me -- I 12:10
6 forgot. There was another person in the interview,
7 an HR person, and I forget her name. I can't
8 remember her name. But she's actually the one that
9 called me. I think it was Sue Parette or something
10 like that. 12:11

11 Q Okay. Okay. I guess so. Maybe just to
12 back up and confirm, so Sue Parette was present in
13 the interview that you had with Josh Harris and Dan
14 Marin?

15 A I believe that was her name, yes. 12:11

16 Q Was anyone else in that interview meeting?

17 A No.

18 Q And did you interview with anyone else at
19 Nike --

20 A No. 12:11

21 Q -- after that?

22 A No.

23 Q So is it accurate that you had one
24 interview at Nike with Dan Marin, Josh Harris, and
25 Sue Parette, to the best of your recollection? 12:11

1 A Yes. 12:11

2 Q Okay. All right. And you believe it was

3 Sue Parette who called you that same day and offered

4 you the job?

5 A Yes. 12:11

6 Q And was the job that she was offering you

7 the one that you had applied for, security

8 supervisor?

9 A Yes.

10 Q And do you recall if Sue Parette discussed 12:12

11 compensation with you at all?

12 A I think she told me what the job paid, and

13 I want to say it was like \$9.75 or \$9.95,

14 something -- something in the 9 range. Plus --

15 Q Was that per hour? 12:12

16 A Yes. Plus shift differential. 7 percent

17 for swing shift and 10 percent for graveyard.

18 Q Okay. When did you accept the offer?

19 A When she called me.

20 Q So on the phone, that same conversation? 12:13

21 A Yeah.

22 Q Okay. Did you try to negotiate

23 compensation with her at all?

24 A No.

25 Q Okay. So I think based on Nike's records, 12:13

1 it looks like your starting hourly rate was \$10.41 12:13
2 an hour. Does that sound --
3 A It does --
4 Q -- accurate to you? Yeah.
5 A I guess so. It was so long ago I don't -- 12:13
6 if that's what they say, that -- I guess that's it.
7 Q Okay. Any reason to think it's not
8 accurate as you sit here today?
9 MR. KAN: Objection. Lacks foundation;
10 assumes facts not in evidence. 12:13
11 THE WITNESS: If that's what the record
12 shows, I don't have any reason to dispute it, I
13 suppose.
14 BY MS. ZABELE:
15 Q Okay. Did you think your starting pay was 12:14
16 fair?
17 MR. KAN: Objection. Vague and ambiguous.
18 THE WITNESS: Well, my unemployment was
19 running out, and I needed a job. So, yeah, I
20 thought it was -- it was -- it was fair, in that, if 12:14
21 I had gone to any other contract agency, I don't
22 think I would have made that much money. So I was
23 satisfied with it^{at} the time
24 BY MS. ZABELE:
25 Q Okay. And out of curiosity, do you 12:14

1 remember what the offer you received from Multnomah 12:14

2 County was in terms of compensation?

3 A Seems to me they were comparable, but I
4 don't remember.

5 Q Okay. Did you discuss any other 12:15
6 compensation terms with Sue Parette when she called
7 to offer you the job of security supervisor?

8 A No.

9 Q Do you know who made the decision to hire
10 you? 12:15

11 A I have a feeling it was a consensus.

12 Q Okay. But you don't know for sure?

13 A No.

14 Q Okay. Okay. And for your starting pay,
15 do you have any reason to believe that the dollar 12:16
16 amount was based on your gender in any way?

17 A I have no idea. I --

18 Q But as you sit here today, are there any
19 facts or evidence you can think of?

20 A Not that I can think of. 12:16

21 Q Do you believe it was based on your gender
22 in any way?

23 MR. KAN: Objection. Asked and answered.

24 THE WITNESS: I don't think so, but I can't be sure.

25 BY MS. ZABELE: 12:16

1 Q Okay. All right. So you joined Nike as a 12:16
2 security supervisor in October 1991; is that
3 accurate?

4 A Yes.

5 Q Do you recall what band that position 12:17
6 would have been in, if you know?

7 A You know, I don't think they had bands at
8 that time. I think they rated their jobs like 04,
9 05, 06 kind of thing. So officers, I think, were
10 04s and supervisors were 05s. 12:17

11 Q Okay. So as far as you recall, not a band
12 like one of the VALUEs bands that you had mentioned
13 earlier?

14 A That came later, yeah.

15 Q Okay. Do you recall -- actually, scratch 12:17
16 that.

17 How long were you a security supervisor at
18 Nike?

19 A From '91 until, like, '97, I went to risk
20 management, and then I went back to security 12:18
21 supervisor, I think, a couple of years later. And I
22 was a security supervisor until March 2000.

23 Q Okay. Do you recall when it would have
24 been that you left the risk management position and
25 returned to security supervisor where you worked 12:18

Page 81

```
1 |      until March 2000?                                12:18
```

2 A I think I worked in risk for, like, '97
3 and '98.

4 Q Okay. Okay. All right. Well, maybe
5 let's take your first stint as a security supervisor 12:18
6 from 1991 to 1997.

7	A	Uh-huh.
---	---	---------

8 Q What were your job responsibilities as a
9 security supervisor during that time?

10	A As outlined:	12:19
----	----------------	-------

11 "To maintain a secure, safe workplace
12 environment at Nike World Campus.

13 Schedule, train, and motivate, evaluate,
14 and counsel staff of 25 security -- or 26
15 security officers. Evaluate security

16 issues, procedures, operations, and

```
17         recommend improvements to security
18         manager.  Coordinate and control access to
```

19 the Nike facilities in cooperation with

20	company management. Provide personal	12:19
----	--------------------------------------	-------

21 protection to high-profile visitors. Plan

22 | and exercise [sic] security for special

23	events. Perform security investigations.
----	--

24	Assess video surveillance requirements and
----	--

```
25 |         coordinate and set up with Loss                                12:19
```


1 Prevention." 12:19

2 Q Okay. So the description that's listed

3 here on your resume of Exhibit 74 accurately

4 represents your job duties when you were a security

5 supervisor at Nike from -- 12:20

6 MR. KAN: Objection.

7 BY MS. ZABELE:

8 Q -- 1991 to 1997?

9 A It doesn't encase all the duties because,

10 I mean, we did parking enforcement. We did 12:20

11 fire/life safety inspections in the buildings and

12 checked the fire extinguishers, so there was other

13 operational stuff that we did, but that is a pretty

14 good synopsis of most of what we did.

15 Q Okay. Anything else, as you sit here 12:20

16 today, that you think is missing other than what you

17 just listed?

18 A I don't think so.

19 Q Okay. Okay. So maybe for the first one

20 where it says: "Maintain" -- I'm reading 12:20

21 Exhibit 4 -- excuse me -- 74 for the record.

22 Description under security supervisor, the first

23 sentence:

24 "Maintain secure and safe working

25 environment at Nike World Campus." 12:21

1 Were you exclusively based at Nike World 12:21
2 Campus headquarters during your time as a security
3 supervisor from 1991 to 1997?

4 A So 1991, the only part of the campus that
5 was there was the south campus, and we also had a 12:21
6 smattering of maybe a dozen or so off-campus
7 locations that we patrolled and checked at night,
8 but it was all, you know, Beaverton-based.

9 Q Okay. Okay. So the off-campus sites that
10 you mentioned were all in the Beaverton area? 12:21

11 A Yes.

12 Q Okay. Okay. And then a few sentences
13 later, it says:

14 "Provide personal protection for
15 high-profile visitors." 12:22

16 Do you see that?

17 A Yes.

18 Q Who were some of the high-profile visitors
19 that you provided personal protection for?

20 MR. KAN: Objection. Vague as to time. 12:22

21 BY MS. ZABELE:

22 Q All right. I can specify a time.

23 All right. Who were some of the
24 high-profile visitors that you provided personal
25 protection for as a security supervisor during the 12:22

Page 84

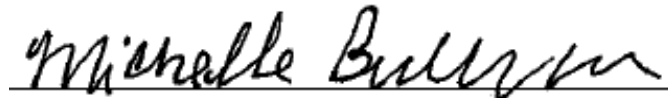
1
2
3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby
5 certify:

6 That the foregoing proceedings were taken
7 before me at the time and place herein set forth;
8 that any witnesses in the foregoing proceedings,
9 prior to testifying, were administered an oath; that
10 a record of the proceedings was made by me using
11 machine shorthand which was thereafter transcribed
12 under my direction; that the foregoing transcript is
13 a true record of the testimony given.

14 I further certify that I am neither
15 financially interested in the action nor a relative
16 or employee of any attorney or any party to this
17 action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20 Dated: 12/28/2020

21 
22

23 MICHELLE BULKLEY, CSR No. 13658
24

25 The dismantling of transcript will void Reporter's
certificate.

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: December 11, 2020 (Volume 1); December 22, 2020 (Volume 2)

Deponent: Donna J. Olson

Vol.	Page	Line(s)	Reads	Should Read	Reason
1	5	13	16	15	To correct transcription error
1	6	23	The plaintiff	an opt-in plaintiff	To correct transcription error
1	8	22	O-S-S-N-A [sic]	O-S-S-A-N-N-A	To correct spelling error
1	19	1	Yes. I believe it was the 8 th .	Actually, I believe it was Monday the 7 th .	Corrected response to question
1	20	13	That's my recollection, yes	I also met with James for an hour on December 3, 2020 and for approximately four hours on December 8, 2020.	To correct transcription error and provide full response to question.
1	36	18	Said that, I assumed it was true.	Said that, I assumed it was true, but I don't know for sure.	Full response to question.
1	37	16	Crane	Krane	To correct spelling error
1	38	1	He didn't...	He didn't know what to say.	Full response to the question asked
1	79	23	Satisfied with it.	Satisfied with it at the time.	Full response to the question asked
1	80	24	I don't think so	I don't think so, but I can't be sure.	Full response to the question asked
1	86	24	For Nafall [phonetic] event	Four in the Fall	To correct transcription error
1	88	8-9	I believe a couple of other people went to some sales meetings as well.	Other security supervisors performed similar roles to me. And a couple of other people went to	Misheard the question; full answer to question asked

				some sales meetings as well.	
1	93	9	[inaudible]	ambiguous	To correct transcription error
1	96	15	Of the duties that you had to perform	Of the duties that you had to perform specific to the time of day or night.	Full response to the question asked.
1	98	4	Again, just the job differences were	Again, just the job difference that were	To correct transcription error
1	99	19	Kris Stein	Chris Stine	To correct spelling error
1	100	18	Kris	Chris	To correct spelling error
1	101	1	Kris	Chris	To correct spelling error
1	102	6	Kris	Chris	To correct spelling error
1	120	6-7	He gave me what he could give me	He gave me what he could give me under Nike policies.	Full response to the question asked.
1	124	11-12	I had no reason to think it wasn't fair.	I had no reason to think it wasn't fair at that time.	Full response to the question asked.
1	125	5	At that time, I don't think	At that time, I didn't think	To correct transcription error
1	130	4-6	One of the nice things about supervisors, you had to have someone report to you	security supervisors had to have a direct report	To correct transcription error
1	133	15	S-Q-U-E-E-Z-I [sic].	S-Q-U-E-E-Z-A-R-I	To correct spelling error
1	135	13	AirMI	Air MI	To correct spelling error
1	135	21	AirMI	Air MI	To correct spelling error
1	140	20-21	I don't remember. Probably in early --	I don't remember.	To correct transcription error
1	144	1-2	John Woodman for two years. So 2005, 2006. Then I reported to Jim	After Robison, I reported to Jim Petsche from 2005 through 2008. Then I reported to John Woodman for two years.	Corrected response to question

			Petsche for two years.		
1	144	19-25	No. I think -- so Dave was 2000 to 2002. Jim was 2003 to 2005. John was the next two years. I started reporting to Deb Hellmer-Steele in 2000 to 2012, and then Joe from 2000 -- you know, the middle of the year 2012 till - - it was June to June. It seemed to be a June-to-June cycle. So that's why the years -	No. I think -- so Dave was 2000 to 2002. Jim Robison was 2003 to 2005. Jim Petsche was the next few years. John Woodman was 2008 to 2010. I started reporting to Deb Hellmer-Steele in 2010 to 2012, and then Joe Marsico from 2013 to 2015 -- you know, the middle of the year 2013 till -- it was June to June. It seemed to be a June-to-June cycle. So that's why the years got fuzzy.	Corrected response to question
1	145	7	Right.	The few years before John Woodman.	Corrected response to question.
1	145	10-11	That's only one year. I reported for two years.	That's only one year. I reported to John Woodman from 2008 to 2010.	Corrected response to question
1	145	14-15	Right. And then Jim Petsche from 2008 to June 2010. And then Deb from 2010 to 2012 --	I reported to Jim Petsche from 2005 to 2008. Then John Woodman from 2008 to 2010. And then Deb from 2010 to 2012 --	Corrected response to question
1	146	13	From 2000 to -- to 2017	From 2015 to -- to 2017	To correct transcription error
1	146	24	AirAMI	Air MI	To correct spelling error

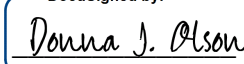
1	154	11-12	Because, I mean, everybody wants everybody to get paid fairly.	Because, I mean, I was told that everybody wants everybody to get paid fairly according to Nike policies.	Full response to the question asked.
1	164	3	Yes	Yes, they informed me of the final decisions, but I'm not sure if they were the final decision maker.	Full response to the question asked.
1	164	11	Yes	Yes, they informed me of the final decisions, but I'm not sure if they were the final decision maker.	Full response to the question asked.
1	167	20	Dan [sic]	Don	To correct spelling error
1	170	24	Ridarti's	Rodarte's	To correct spelling error
1	171	3	Because IH – AirAMI	Because –Air MI	To correct transcription error
1	171	5	AirAMI	Air MI	To correct spelling error
1	175	25	Objection. [Inaudible].	Objection. Vague and ambiguous	To correct transcription error
1	175	13	We did –we did different things.	Our duties were similar in that we had a common goal to establish global security standards for our areas of responsibility ,but we had different areas of responsibility.	Misheard the question; full answer to question asked.
1	176	7	Beale	Veal	To correct spelling error
1	182	24	Crane	Krane	To correct spelling error
1	183	1	Crane	Krane	To correct spelling error
1	192	1	Bush	Carter	To correct transcription error
1	206	3	so	So no	To correct transcription error
1	208	2	Unfair	Unfair for work expected of a	Full response to question asked

				security manager as opposed to a Director.	
1	218	1	I don't know. No, I guess.	I don't know.	Corrected response.
1	219	7	WHQ-centric manager, yeah.	WHQ-centric manager, yeah, but not for the Director level work I performed.	Full response to the question asked
1	224	22	It would be fair.	It would be fair for a manager, but it wasn't for the Director level work I performed.	Full response to the question asked
1	227	7	For a WHQ-centric manager, yeah.	For a WHQ-centric manager, yeah. No for my Director level work.	Full response to question asked.
1	228	20	Yes	Yes and possibly others.	Full response to question asked.
1	228	25	For a WHQ manager yes.	For a WHQ manager yes. For my Director level work, no.	Full response to question asked.
1	230	4	This would be Tyson.	This would be Tyson and possibly others.	Full response to question asked.
1	234-35	25-3	But if they are, then 3 percent would have been probably what it would have been, but the performance sharing plan would have been 20 percent.	But if they are, then 3 percent would have been probably what it would have been, but the performance sharing plan would have been 20 percent, and with a higher base, the 3 percent would be more money. Also, I would have received stock	Full response to question asked

				options as a director.	
1	252	12	John McLaughlin, Scott Beale	John McLachlan, Scott Veal	To correct spelling error
1	252	14	Beale	Veal	To correct spelling error
1	252	13	Ramp	Ranft	To correct spelling error
1	252	15	Ramp	Ranft	To correct spelling error
1	254	10	John McLaughlin	John McLachlan	To correct spelling error
2	270	25	Other plaintiff	Other plaintiffs	To correct transcription error
2	279	7	Discriminating against women? No, I don't.	Discriminating against women in CFE feedback? No, I don't.	Corrected and full response to questions asked.
2	279	11-12	Needs to be done in a manner of respect type of tone	Needs to be done in a manner of respect – a respectful type of tone	To correct transcription error
2	303	11	McLachlen	McLachlan	To correct spelling error
2	303	22	McLachlen	McLachlan	To correct spelling error
2	304	1	McLachlen	McLachlan	To correct spelling error
2	304	19	McLachlen's	McLachlan's	To correct spelling error
2	305	10	McLachlen	McLachlan	To correct spelling error
2	305	19	McLachlen's	McLachlan's	To correct spelling error
2	306	8	McLachlen	McLachlan	To correct spelling error
2	306	11	McLachlen	McLachlan	To correct spelling error
2	307	4	McLachlen	McLachlan	To correct spelling error
2	307	11	Ami	MI	To correct spelling error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/22/2021 in Sun City West, Arizona.

DocuSigned by:

 Donna J. Olson
 8A6294A808B3444

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,) Case No.
LINDSAY ELIZABETH, and HEATHER) 3:18-cv-01477-JR
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiff,)
)
vs.)
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendants.)
)
_____)

VIDEO-RECORDED VIDEOCONFERENCE
DEPOSITION OF SAMANTHA PHILLIPS
Tuesday, December 1, 2020
Volume I

Reported by:
ROCHELLE HOLMES
CSR No. 9482
Job No. 4347573
PAGES 1 - 235

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,) Case No.
LINDSAY ELIZABETH, and HEATHER) 3:18-cv-01477-JR
HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiff,)
)
vs.)
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendants.)
)
_____)

Deposition of SAMANTHA PHILLIPS, taken on behalf of
Defendants, via videoconference, beginning at 10:04 a.m.
and ending at 7:05 p.m. on Tuesday, December 1, 2020,
before ROCHELLE HOLMES, Certified Shorthand Reporter No.
9482, Certified Realtime Reporter No. 0123.

1 Q What about LJ Johnson, what was her role?

2 A LJ, her role was fairly new. There -- there's
3 a very large organization, I think it's DTC, and they
4 had their own information security team. And so she led
5 that team there. 02:08PM

6 Q Sorry. What was the acronym that you said she
7 was heading up?

8 A D -- well, DTC is the division in Nike.

9 Q And what does DTC stand for?

10 A I don't know. Digital technology something. 02:08PM
11 Basically, her team was ensuring information security
12 was embedded in the development aspects of all the E
13 Commerce development that was going on, all of the
14 applications.

15 Q When you attended the panel interview, did you 02:08PM
16 have an understanding as to what role you would be
17 filling at Nike?

18 A Not exactly.

19 Q Who from Nike did you hear from next after the
20 panel interview? 02:09PM

21 A Sheryl Coulter.

22 Q And what did Sheryl tell you?

23 A I don't remember.

24 Q Did she offer you a job?

25 A Yeah. I was offered a job. 02:09PM

1 Q Do you know who made the hiring decision?

2 A I don't know.

3 Q What job did Ms. Coulter offer you?

4 A The role of director of risk management.

5 Q What division was it in? 02:10PM

6 A Information security.

7 Q Do you recall anything else about the

8 conversation that you had with Ms. Coulter when she

9 offered you the director of risk -- director, risk

10 management role? 02:10PM

11 A That the pay was lower than what I was making

12 currently.

13 Q What was the -- what was the pay, the starting

14 salary as the director of risk management role that you

15 were offered? 02:10PM

16 A So the -- the pay was lower than what I was

17 making at eBay.

18 Q What -- what was the -- what was the offer for

19 pay that -- that Nike gave you?

20 A I believe it was 200,000. 02:10PM

21 Q And what were you making at eBay?

22 A 205.

23 Q Did you attempt to negotiate your salary?

24 A I did.

25 Q With whom? 02:11PM

1 A With Sheryl. With Ryan.

2 Q Can you tell me about the conversation that
3 you had with Sheryl about trying to negotiate your pay?

4 A Well, she had asked what I was making at eBay
5 before she even presented me with an offer. And the 02:11PM
6 term that was used is it's the ten percent factor for
7 Portland.

8 Q What do you mean by that?

9 A It means it's cheaper -- it's believed that
10 the cost of living is cheaper in Portland than it is in 02:11PM
11 the Bay Area.

12 Q So when she offered you 200,000 -- the
13 \$200,000 salary -- starting salary, how did you respond?

14 A I asked for additional information and why it
15 was lower. 02:12PM

16 Q Is that when she told you about the -- the
17 ten percent factor?

18 A Yeah.

19 Q Did you ask for a higher salary after that?

20 A Yeah. 02:12PM

21 Q With Sheryl?

22 A And -- and with Ryan.

23 Q So I want to stick with Sheryl first and then
24 we'll go to Ryan.

25 How much did you ask for in an increase from 02:12PM

1 Sheryl?

2 A It wasn't a specific number. It's just that
3 look, you're asking me to take a pay cut. So, you know,
4 her response, you know, she had already shared with me
5 the bands. She said that I was capped out in the E 02:13PM
6 bands and they'd have a really hard time justifying me
7 on getting me into the ^S~~F~~ band.

8 Q What do you mean when she said she -- what do
9 you mean when she said you were capped out in the E
10 band? 02:13PM

11 A I believe that there's salary ranges within
12 the bands.

13 Q And you had this conversation -- did you have
14 this conversation before or after she had given you --
15 you had -- let me rephrase. 02:13PM

16 Did you have this conversation after she gave
17 you the offer?

18 A Yes.

19 Q And did you -- did she offer you a signing
20 bonus? 02:13PM

21 A I don't remember.

22 Q Do you remember negotiating a signing bonus?

23 A I don't remember.

24 Q Did you speak to Ryan about your salary after
25 you spoke with Sheryl? 02:14PM

1 A I believe so.

2 Q And what was your conversation with Ryan?

3 A You know, "Can we increase this, you know,
4 match it to where I was with eBay?"

5 He said, "Well, Portland's a ten percent 02:14PM
6 factor and everybody gets discounted ten percent."

7 Q Do you recall discussing a signing bonus with
8 Ryan?

9 A I don't remember.

10 Q Was it your understanding that the 200K offer 02:14PM
11 was at the top of the range for the job that you were
12 offered, the director of information risk management?

13 A That is my understanding.

14 Q I want to try and get a sense of the
15 organization that you were working in and make sure I'm 02:15PM
16 using the proper terminology.

17 So you said that your division was information
18 security; is that correct?

19 A So division or department? What -- what do
20 you mean? 02:16PM

21 Q I guess I'll ask you both. What -- what
22 division did you work in?

23 A So I worked in information security under GRC
24 as the director of risk management.

25 Q So I guess I'm just trying to understand like 02:16PM

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1 break. I don't think it'll take more than five minutes.

2 MS. SUN: Okay.

3 Q BY MS. JACKSON: I'd like to introduce -- oh,
4 thank you so much.

5 I'd like to introduce an exhibit. It will be 02:38PM
6 Exhibit 53. And it is a multipage document with the
7 following Bates numbers, NIKE_13195 through 13205.

8 (Exhibit 53 was marked for identification
9 and is attached hereto.)

10 Q BY MS. JACKSON: And, Ms. Phillips, please 02:39PM
11 feel free to review the document when it pops up for
12 you.

13 A Okay.

14 Q And I specifically want to direct your
15 attention to Page 13204 at the -- the Bates numbers are 02:39PM
16 at the very bottom on the right-hand side, I'm looking
17 at Page 13204.

18 Let me know when you're there.

19 A Okay.

20 Q Do you recall being offered a signing bonus of 02:40PM
21 \$35,000?

22 A So I don't -- I didn't recall the exact
23 number.

24 Q But do you recall being offered a signing
25 bonus? 02:41PM

1 A Yep. Now I do.

2 Q Do you -- and if you look at Page 13204 on
3 Exhibit 53, towards the end there's a gray column that
4 says "Bonuses."

5 Do you see that? 02:41PM

6 A Uh-huh. Yep.

7 Q And then there's two columns, the one on the
8 right-hand side is Offer 1, it says \$35,000.

9 Do you see that?

10 A Yep. 02:41PM

11 Q And then the one on the left-hand side says
12 \$40,000.

13 Do you see that?

14 A Yep.

15 Q Do you recall negotiating for a higher signing 02:41PM
16 bonus?

17 A So I tried. The signing bonus wasn't the
18 result of they were going to give me more to compensate
19 for the less salary. It was because the relocation
20 package was insufficient to move my wine cellar. 02:42PM

21 And so I had to go out and get a cost
22 assessment for what it would cost to move my wine cellar
23 up from the Bay Area to Portland, and that was \$5,000.
24 So that's the reason why the sign-on bonus went up by
25 \$5,000. 02:42PM

1 Q So you negotiated with Nike to increase it by
2 \$5,000 to make up for the fact that the relocation
3 package was insufficient to cover --

4 A Yes.

5 Q -- the moving expenses for your wine cellar? 02:42PM

6 A That's what they offered.

7 Q But they offered \$40,000 after they had
8 originally offered you \$35,000?

9 A They offered to cover the wine under that.

10 Q Through the -- through the \$40,000 sign-on 02:43PM
11 bonus?

12 A Correct.

13 Q And then if you look on the row immediately
14 above on the right-hand side, we're still in the bonuses
15 section. On the right-hand side there's -- there's 02:43PM
16 nothing there and then on the left-hand side it says
17 "Stock Option."

18 Do you recall negotiating to receive a stock
19 option at Nike?

20 A I don't. I probably would have questioned why 02:43PM
21 it wasn't there, because with every other company that I
22 was negotiating with stock options were part of the
23 grant package.

24 Q And so is it your recollection that after
25 questioning why you didn't initially receive a stock 02:43PM

1 option they changed the package so that you would be
 2 receiving one?
 3 A I don't remember if stock options were part of the
~~Yeah. But then -- yeah. I don't remember it,~~
 4 ~~initial offer or not.~~
~~but...~~

5 MS. JACKSON: All right. I'm -- we can -- we 02:44PM
 6 can take a break now if you -- if you like and we can go
 7 off the record.

8 MS. SUN: Okay. Great. Thank you.

9 THE VIDEOGRAPHER: This marks the end of Media
 10 No. 3 in the deposition of Samantha Phillips. Going off 02:44PM
 11 the record. The time is 2:44.

12 (A brief recess was taken.)

13 THE VIDEOGRAPHER: This marks the beginning of
 14 Media No. 4 in the deposition of Samantha Phillips.
 15 We're back on the record. The time is 3:01. 03:01PM

16 Q BY MS. JACKSON: Good afternoon, Ms. Phillips.
 17 I just want to confirm that you still only have your
 18 Zoom and Veritext Exhibit Share windows up and nothing
 19 else?

20 A Yes. 03:01PM

21 Q And that it's just you and your dog in the --
 22 in the room right now?

23 A Snoring.

24 Q Committed.

25 I want to go back quickly to your -- your role 03:01PM

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, Rochelle Holmes, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

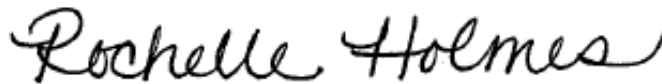
That the foregoing proceedings were taken before me via videoconference; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [X] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 18, 2020

A handwritten signature in cursive script that reads "Rochelle Holmes". The signature is written in black ink and is positioned above a horizontal line.

Rochelle Holmes

CSR No. 9482, CCRR No. 0123

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: December 1, 2020

Deponent: Samantha Phillips

Page	Line(s)	Reads	Should Read	Reason
30	22	F band	S band	To correct a transcription error
31	2	Correct.	Correct, I was told I would be able to participate in 2015 and beyond.	Full answer to question asked
31	19	unable	able	To correct a transcription error
31	25	Correct	No, I did not receive a PSP in 2015	To conform answer to the facts
33	3	Brandon	Brennon	To correct a transcription error
33	5	Brandon	Brennon	To correct a transcription error
33	6	Brandon	Brennon	To correct a transcription error
33	19	F band	S band	To correct a transcription error
34	6	F band	S band	To correct a transcription error
37	11	risks	risk	To correct a transcription error
37	24	Seahan	Feehan	To correct a spelling error
39	4	F band	S band	To correct a transcription error
40	2-3	two of my teammates out of the company and out of the team.	two of my teammates out - one out of the company, and one out of the team	Full answer to question asked
48	17	C-O-R-B-I-T (sic)	C-O-R-B-I-T-T	To correct spelling error
56	9	Trasclare	Trosclair	To correct a transcription error
56	10	Nordeman	Nordemann	To correct a transcription error
60	12	The IPO	Pre IPO	To correct a transcription error
61	10	I left Nike	I left Visa	To correct a transcription error
67	24	India	EMEA	To correct a transcription error
67	25	India	EMEA	To correct a transcription error
68	2	India	EMEA	To correct a transcription error
69	1	Ambias	MBOs	To correct a transcription error
74	17	ESP	ESPP	To correct a transcription error
74	19	ESP	ESPP	To correct a transcription error
78	18	EFPP	ESPP	To correct a transcription error

87	1	Dale Shockley	Dale Compton	To correct spelling error
92	16	G-U-E-R-T-Z-E-N (sic) maybe.	G-E-U-R-T-S-E-N	To correct spelling error
93	9	Dale Shockley	Dale Compton	To correct spelling error
94	4	Ryan	Rob	To correct a transcription error
94	24	Grillo Marketing	Gorilla Marketing	To correct a transcription error
104	7	F band	S band	To correct a transcription error
109	13	Maybe – maybe Ross. I’m not sure	Passmore	To correct spelling error
112	13	80744	A0744	To correct a transcription error
122	3-4	Yeah. But then -- yeah. I don't remember it, but...	I don't remember if stock options were part of the initial offer or not.	Full response to the question asked
129	24	82260	A2260	To correct a transcription error
170	17	FLA	SLA	To correct a transcription error
191	20	F band	S band	To correct a transcription error
193	11	She was not there when I...	She was not there when I recommended ratings	Full response to the question asked
194	2	Seth Fuller, Neal Kerner, Brennon Stewart	Seth Fuller, Neal Kerner, Brennon Stewart, Bill Brock	Full response to the question asked
209	11-12	I was paid less to come to Nike than I was being paid by my peers in any other role.	I was paid less to come to Nike than I was making at eBay and I was being paid less than my peers in any other role.	Full response to the question asked
211	4	Dale Shockley	Dale Compton	To correct spelling error
221	16	Anthony something	Anthony Watson	Full response to the question asked
221	18	Bill. Bill something	Bill Dennings	Full response to the question asked

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/16/2021 in Lake Oswego, OR.

DocuSigned by:
Samantha Phillips
90C3DDDE234C46E
Samantha Phillips

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
 Plaintiffs, 3:18-cv-01477-JR

 v.

NIKE INC., an Oregon
Corporation,

 Defendant.

REMOTE 30(b)(6) VIDEOCONFERENCE DEPOSITION OF
JESSICA ELIZABETH STUCKEY
Taken in behalf of Plaintiffs
May 14, 2021

1 explanation of job descriptions, that's, that's
2 been accurate for WHQ job codes since, from 2012
3 to the present?

4 A. Correct.

5 Q. Great. So I want to actually now jump back to
6 Exhibit 681, if you could.

7 A. Sure.

8 Q. So I'd like to start on the first page, which is
9 Bates 5318.

10 A. Uh-huh.

11 Q. And just wanted to go through and just make sure
12 I understand what all the things mean. So in
13 the very, kind of top under "Nike, Inc. Job
14 description" there's kind of one table. It says
15 "job code" and under that it says "A1536." What
16 does job code reflect?

17 A. It's a randomly generated numeric code that we
18 apply to all of our, all of our jobs. So there
19 are components that are required. Every job
20 must have a job code and a job title so that we
21 can link them to each employee, which then
22 drives their pay range, their incentive target.

23 It may drive their stock eligibility, program
24 eligibility more broadly, but that is just a
25 numeric code that we have attached to each job

1 title.

2 Q. Okay. And when you say that the, that the job
3 code can drive or contribute to those types of
4 pay or compensation determinations, when you say
5 that, does that mean that the information
6 contained on documents like Exhibit 681 are
7 informing those decisions about incentive
8 compensation, base pay, et cetera?

9 A. I would say it's informing the attributes, yes.

10 So everything would be linked. An employee
11 cannot, not be linked to a job code because it
12 will not drive those other elements of their,
13 you know, the pay range, that is associated to

14 them or the PSP target or stock eligibility
15 without a job code link to each employee.

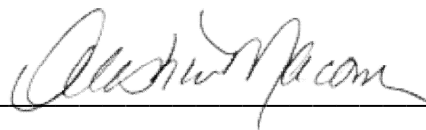
16 Q. Okay. Next to "Job Code" is "Title." For this
17 one it says "PROF" and then "INTR buying," which
18 looks like professional intermediate buying.
19 What's the title reflect?

20 A. So we have a standard framework by which we
21 title our, well, again, sort of our SAP job
22 title and it reflects the various levels of jobs
23 with standard frame levels to a point if it's
24 professional, intermediate, and then the
25 specific job. And it limits, there's a

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that JESSICA ELIZABETH STUCKEY remotely appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 219, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 27th day of May, 2021.



Aleshia K. Macom

OR CSR No. 94-0296, Expires 9-30-2023

WA CCR No. 2095, Expires 7-7-2021

CA CSR No. 7955, Expires 7-7-2021

Cahill, et al v. Nike**Jessica Stuckey Deposition Errata**

Page: Line	Reads	Should Read	Reason
15:5-6	"We looked primarily at an (unintelligible) job description."	"We looked primarily at an existing job description."	To correct a transcription error
20:24	"compensation analysis of certain rules"	"compensation analysis of certain roles"	To correct a transcription error
22:10-12	"It can be incentive targets designed to their peer, what I would call peer compensation market data."	"It can be incentive and design relative to peers, what I would call peer compensation market data."	To correct a transcription error
23:18	"not just the store's business."	"not just the stores."	To correct a transcription error
23:21	"that we were delivering on our program"	"that we were delivering on our programs"	To correct a transcription error
24:10-11	"There was an expanded aperture."	"There was an expanded scope."	To clarify testimony
27:9	"So we work with a business and our HR partners"	"So we work with the business and our HR partners"	To correct a transcription error
27:24	"I was supporting our Asian Pacific,"	"I was supporting our Asia Pacific,"	To correct a transcription error
35:3	"typically variable to our broad population"	"typically available to our broad population"	To correct a transcription error
35:5	"enabled by rotation"	"enabled by location"	To correct a transcription error
44:20	"HR to make a document to job descriptions"	"HR to make an update to job descriptions"	To correct a transcription error
45:11-12	"may be one compensation consultant helping with network."	"may be one compensation consultant helping with the work."	To correct a transcription error
45:16-18	"there may be more than one compensation consultant chain can be set for the HR business partners."	"there may be more than one compensation consultant aligned across a set of HR business partners."	To correct a transcription error
50:22	"it to get the technology."	"it to get into the technology."	To correct a transcription error
55:18-19	"Sets the pay ranges, not the specific employee type."	"Sets the pay ranges, not the specific employee pay."	To correct a transcription error
57:15-16	"for every manager and how they rate their job posting."	"for every manager and how they wrote their job posting."	To correct a transcription error
82:14-15	"It's fair they changed that and submit it through SAP."	"If there was a request to make a change, a form should be completed and submitted to Tech to make a change in SAP."	To clarify testimony and conform to the facts

84:3	"it was a form that realm served"	"it was a form that really served"	To correct a transcription error
87:25-88:4	"It was not compensation pertaining to just the description. We would do interviews or create a template to capture feedback and then drafting a redraft to come to a final description."	"It was not just compensation making changes to the description. We would do interviews or create a template to capture feedback and then drafting and redrafting to come to a final description."	To correct a transcription error
95:9	"but we did not create new function"	"but we did not create new functions,"	To correct a transcription error
101:12	"like a career lateral or something like that,"	"like a career ladder or something like that,"	To correct a transcription error
106:9	"Or the report was running and changed into PDF."	"Or the report was run and saved to PDF."	To correct a transcription error
119:9	"someone not performing."	"someone is not performing."	To correct a transcription error
122:22	"senior professional intermediate, there may be"	"senior professional, there may be"	To correct a transcription error
129:17	"to select job codes based on the core duty and"	"to select job codes based on the core duties and"	To correct a transcription error
130:15	"consistent use of job codes through out of parts"	"consistent use of job codes throughout all parts"	To correct a transcription error
131:8	"talked about step titles and job titles they may"	"talked about desk titles and job titles they may"	To correct a transcription error
143:12	"will be for the PA or the,"	"will be for the TA or the,"	To correct a transcription error
164:21	"nontechnical term, ban job postings for language"	"nontechnical term, scan job postings for language"	To correct a transcription error
169:24	"going in to PPM,"	"going into CPM,"	To correct a transcription error
173:24	"what's your sixth-sense feeling,"	"what's your sense, feeling,"	To correct a transcription error
174:25	"the TSP payout or things like that."	"the PSP payout of things like that."	To correct a transcription error
175:13	"If he don't need to,"	"If we don't need to,"	To correct a transcription error
177:9	"looking at people relative to the pay rate,"	"looking at people relative to the pay range,"	To correct a transcription error
179:2-3	"It was really a pretty inefficient process."	"Pay reviews were really a pretty inefficient process prior to 2X."	To clarify testimony and conform to the facts
179:21-22	"flagged in getting increases, who was not flagged in getting increases."	"flagged in this sentence, who was not flagged in this sentence."	To correct a transcription error

182:7	"business partners and the top consultants"	"business partners and the comp consultants"	To correct a transcription error
186:24-25	"I'm not sure that I remember every year and learned that."	"I'm not sure that I remember every year or ever learned that."	To correct a transcription error
187:10	"much should we spend in total?"	"much did we spend in total?"	To correct a transcription error
195:19	"25 percent, maybe a little higher"	"0.5 percent, maybe a little higher"	To correct a transcription error
198:11	"if it went up to the PHR."	"if it went up to the VP of HR."	To correct a transcription error
207:11-13	"the 2x program, talk about some of the, you know, sliding that was used in the process and then go into a little bit of,"	"the 2x program, and then go into a little bit of,"	To correct a transcription error; the sentence is unintelligible as written but the witness does not recall the testimony provided
215:9	"you know, amateurs, they may not have that"	"you know, lower level, they may not have that"	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: June 28, 2021

DocuSigned by:

 2BEFD433BFC04AF... Jessica Stuckey

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
Plaintiffs, 3:18-cv-01477-JR
v.
NIKE INC., an Oregon
Corporation,
Defendant.

REMOTE 30(b)(6) VIDEOCONFERENCE DEPOSITION OF
SHINE THOMAS
Taken in behalf of Plaintiffs
March 26, 2021

1 have been to prepare for the period prior to
2 2015; is that correct?

3 MS. DAVIS: Objection; calls for a legal
4 conclusion, outside the scope.

5 Q. BY MR. BYRON GOLDSTEIN: You can answer, Shine.

6 A. I don't know. I don't understand the question.

7 MS. DAVIS: Object.

8 Sorry. Go ahead.

9 I'll also object that the tone is becoming
10 argumentative.

11 Q. BY MR. BYRON GOLDSTEIN: With respect to posted
12 positions at Nike World Headquarters, the person
13 that is hired into the posted position could be,
14 as you mentioned earlier, either an external
15 candidate or an internal candidate; is that
16 accurate?

17 A. I don't think I mentioned anything earlier about
18 candidates.

19 Q. You said that a post -- I'm sorry. Go ahead,
20 Shine. I didn't realize you were talking still.

21 A. Can you clarify the question one more time?

22 Q. Yes. I had asked you what a posted position was
23 and you said it could be posted internally or
24 posted externally.

25 A. Right.

1 Q. So posted position could be posted either
2 internally, externally or externally and
3 internally; is that accurate?

4 A. That's accurate.

5 Q. Okay. Now, so the posted positions can result
6 in either new hires or promotions or other job
7 changes for internal employees; is that correct?

8 A. Correct.

9 Q. So talent acquisition manages the process for
10 both new hires and competitive promotions or
11 other job changes at Nike World Headquarters; is
12 that correct?

13 MS. DAVIS: Objection; the question's vague.

14 You can answer.

15 THE WITNESS: Can you clarify what you mean
16 by new hires as compared to competitive
17 promotions?

18 Q. BY MR. BYRON GOLDSTEIN: So when you said
19 "external" earlier, what did you mean?

20 A. I said the roles were posted on our external
21 career site as well as our internal career site.

22 Q. And what's the external website?

23 A. Can you clarify? You mean the name?

24 Q. Well, if you post jobs on external websites, you
25 might get external candidates; is that correct?

1 A. That's correct. That is the purpose.

2 Q. Okay.

3 A. I'm sorry.

4 Q. Go ahead, Shine. That's the purpose?

5 A. (No audible response.)

6 Q. So a posted position could result in an external
7 candidate, meaning someone who doesn't currently
8 work at Nike, getting a job at Nike World
9 Headquarters; is that accurate?

10 A. That is accurate.

11 Q. And a posted position could also result in a
12 competitive promotion or other job change at
13 Nike World Headquarters because an internal
14 employee could apply and get the job; is that
15 correct?

16 A. That is correct.

17 Q. So talent acquisition manages the process for
18 when external candidates are hired, new hires at
19 Nike, and manages the process for competitive
20 promotions or other job changes; is that
21 correct?

22 A. Talent acquisition's role is to manage the
23 process. Correct.

24 Q. Correct as to both new hires and competitive
25 promotions or other job changes at World

1 Headquarters?

2 A. I'd like to clarify. Talent acquisition manages
3 the process, but to -- the whole process
4 involves the hiring^{manager} and talent acquisition.
5 Talent acquisition does not manage the process
6 independent of a hiring manager.

7 Q. So do you see that Exhibit 636 is called a
8 manager education tool? Do you see that?

9 A. Yes.

10 Q. And this is provided to managers, I would
11 assume, if it's called the manager education
12 tool; is that right?

13 MS. DAVIS: Objection; calls for
14 speculation, outside the scope.

15 If you know, you can answer.

16 THE WITNESS: I don't know who received this
17 at all.

18 Q. BY MR. BYRON GOLDSTEIN: In preparation for this
19 deposition, did you look at any documents that
20 were exhibits in prior depositions?

21 MS. DAVIS: Objection; calls for
22 speculation.

23 If you know.

24 THE WITNESS: I don't know.

25 Q. BY MR. BYRON GOLDSTEIN: Did you look at any

1 Headquarters?

2 A. Taleo is our applicant tracking system. It is
3 the tool, the candidates apply to open
4 requisitions.

5 Q. Is it used for anything else?

6 A. It is used to receive applications for open
7 positions. It is used to move those applicants
8 throughout the stages of the recruiting. It is
9 used to create an offer letter. It is used to
10 move the final, finalist candidates into the
11 requisition.

12 Q. Is it used for noncompetitive job changes?

13 A. It is not.

14 Q. Are there any other systems or applications that
15 Nike has used since 2015 to manage the hiring or
16 competitive job change processes?

17 A. It depends on what you mean by "to manage" and
18 what you mean by tools. Do you mean internal
19 tools? External tools?

20 Q. Let's start with internal tools. What internal
21 tools have been used other than Taleo during the
22 hiring or competitive job change process since
23 2015?

24 A. Various tools at our disposal. Taleo is the
25 primary tool to capture all the applicants. We

1 have a tool called Avature, which is a CRM,
2 which is primarily used for proactive sourcing
3 of prospects. It is not an applicant tracking
4 system. We -- I think I'm trying to understand
5 definition of tool. Taleo is our primary tool
6 that we use. I'm trying to think of other
7 tools. I don't know.

8 Q. That was helpful, Shine. I was -- Tool's one
9 way to think about it. Any program, systems or
10 applications. So you mentioned the CRM. Can
11 you spell the name of that the CRM?

12 A. A V A T U R E.

13 Q. Avature?

14 A. Correct.

15 Q. Is Avature integrated with Taleo?

16 A. No.

17 Q. Does the information and data that is in Avature
18 automatically get transferred or stored within
19 the Taleo system?

20 A. No.

21 Q. Has Nike used Avature since 2015?

22 A. I don't recall the date.

23 Q. Well, do you know if it was before or after
24 2015?

25 A. I truly don't recall the date. I'm -- It could

1 be. It could be after 2015, but I don't know
2 the date it was started, off the top of my head.
3 Not that I recall.

4 Q. Do you remember using any other CRM or has Nike
5 used any other CRM that you know about?

6 A. I do not know of any other.

7 Q. Why did you use Avature for proactive sourcing
8 of prospects and not Taleo? Sort of just
9 getting at the functionality and trying to
10 understand what it is.

11 A. Taleo is our applicant tracking system where
12 candidates can apply for an open position.

13 Q. And Taleo, does that provide for proactive
14 sourcing of -- Could you do proactive sourcing
15 of prospects in Taleo?

16 A. You cannot.

17 Q. How does the proactive sourcing of prospects
18 process work?

19 MS. DAVIS: Objection; outside the scope.

20 You can answer generally. It's --

21 MR. BYRON GOLDSTEIN: Hold on. Felicia,
22 stop with the instructions, especially saying
23 "you can answer generally" about how she can
24 answer.

25 MS. DAVIS: Well --

1 Q. BY MR. BYRON GOLDSTEIN: Again, Shine, you
2 don't --

3 Felicia, don't interrupt.

4 Shine, you don't have to wait for Felicia to
5 say you can answer. You're, you're supposed to
6 answer unless she directs you not to answer.

7 THE WITNESS: Yeah. I was --

8 MS. DAVIS: Go ahead, Shine.

9 THE WITNESS: I was thinking about my answer
10 so I can provide an accurate description.

11 Q. BY MR. BYRON GOLDSTEIN: I appreciate that.

12 A. Proactive sourcing is a part of -- it is before
13 we have a requisition that is open in our
14 applicant tracking system. I can give you an
15 example. For example, if we know that we are
16 hiring a certain number of a particular role, a
17 specific position that is hard to attract
18 applicants through our external career site, we
19 will proactively contact candidates to --
20 prospects, correct, prospects to gather their
21 interest in potential positions at Nike.

22 Q. Is that used for external candidates only or
23 internal candidates as well?

24 A. External candidates only.

25 Q. Okay. Potential candidates, I should say.

1 A. Prospects. External prospects. Yeah.

2 Q. Okay. Does Nike's anti-discrimination policies
3 apply to competitive job changes and new hires?

4 A. Can you clarify what policies you mean?

5 Q. What anti-discrimination policies at Nike apply
6 to competitive job changes and new hires?

7 A. All of our anti-discriminatory policies apply.

8 Q. Okay. And which -- And what would those be?

9 A. Are you asking me to list the policies?

10 Q. Yes, please.

11 A. I don't know the exact wording of the policy.
12 So can I answer generally?

13 Q. Answer as best you can. I'm not, I'm never
14 asking -- It's always okay to say, Shine, "I
15 don't know" or "I don't know exactly." It's
16 totally fine. So whatever you can answer,
17 that's all I ask that you answer.

18 A. Clarify the question. You're asking me what our
19 anti-discriminatory policies are?

20 Q. That apply to --

21 A. Apply to hiring.

22 Q. -- competitive job changes or new hires.

23 A. All of our anti-discriminatory policies apply to
24 competitive hiring or job changes.

25 Q. Entering Exhibit 659, Bates number NIKE_29808,

1 that's page 18. It says page 17 on it, but it's
2 page 18 of the document.

3 A. Okay. I have it.

4 Q. Okay. Do you see on the right column it says --
5 Do you see where it says, "What If?"

6 A. Yes.

7 Q. And then in the answer to the question that's
8 there, after it says "No," it says, "All
9 decisions related to" -- "relating to hiring
10 should be approved by talent acquisition." Is
11 this an accurate statement by Nike's code of
12 conduct Inside the Lines?

13 A. I need to read the document.

14 Q. The entire thing or just this?

15 A. Just that section so I have the context
16 around --

17 Q. Yeah. Of course. It's okay to read whatever
18 you want. I just wanted to know the timing.

19 A. Can you repeat the question specifically so I'm
20 answering it accurately?

21 MR. BYRON GOLDSTEIN: Aleshia, can you
22 repeat the question, please, or read back the
23 question.

24 (Record read as follows:

25 "Q And then in the answer to the

1 question that's there, after it says "No,"
2 it says, "All decisions related to" --
3 "relating to hiring should be approved by
4 talent acquisition." Is this an accurate
5 statement by Nike's code of conduct Inside
6 the Lines?")

7 THE WITNESS: I think it depends because --
8 It really depends. Every, every situation is
9 different, and it depends on the role and the
10 position.

11 Q. BY MR. BYRON GOLDSTEIN: So the statement in
12 Inside the Lines, it says "All decisions
13 relating to hiring." That is not accurate; is
14 that what you're saying?

15 A. I think it depends on the type of position, the
16 type of division. There are multiple people
17 involved in hiring positions.

18 Q. So you would disagree with the statement that
19 all decisions relating to hiring should be
20 approved by talent acquisition?

21 A. I would, I would tell you that all decisions
22 around hiring are approved by multiple people.
23 And I don't know if there is other information
24 in this document that refers to that.

25 Q. Fair enough, Shine. So would it be accurate to

1 Q. So the -- So the manager playbook is directing
2 managers to the hiring process document. And I
3 can introduce that. Is that, is that what it's
4 saying?

5 A. That does seem to be accurate.

6 Q. So hiring process document will be Exhibit 663
7 and this is NIKE_00003185.

8 A. I have the document open.

9 Q. Have you ever seen this document before?

10 A. I have.

11 Q. And the, the metadata that Nike produced is, it
12 says the file name is hiring process. And if
13 you look at the end of the document on the
14 second page it says, date, December 13, 2018.
15 Do you see that?

16 A. I do.

17 Q. Prior to December 2018 did Nike have, did they
18 have prior versions of this hiring process
19 document?

20 A. They may. I do not know for a fact yes or no.

21 Q. Did you look at this document in preparation for
22 today?

23 A. I actually don't recall. I don't recall.

24 Q. Do you know -- I'm sorry, Shine. Were you
25 saying something?

1 A. I do not think I did look at this document.

2 Q. Okay. You recognize this as a Nike document?

3 A. Yes.

4 Q. Do you know what organization or business unit
5 would have been responsible for this document,
6 putting it together?

7 A. I believe talent acquisition.

8 Q. Do you know who in talent acquisition would have
9 been involved?

10 A. I do not.

11 Q. If you wanted to find out the answer to that
12 question, how would you do that?

13 A. I would probably ask my manager.

14 Q. Who is your manager?

15 A. My manager is the VP of talent acquisition.

16 Q. And who is the VP of talent acquisition?

17 A. Paula Radloff.

18 Q. Has Paula worked in talent acquisition for a
19 longer period than you have at Nike?

20 A. I, I do not know exactly.

21 Q. If you turn to the second -- Actually sorry. At
22 the bottom of the first page of Exhibit 663, do
23 you see "Phase five: Make an offer"?

24 A. I do.

25 Q. And then at the top of the document do you see

1 how it's described? It says the hiring process,
2 it's described as "a quick guide to educate key
3 players on their roles and responsibilities when
4 looking to hire great talent at Nike."

5 Is that an accurate description of this
6 document?

7 A. It's a guideline, but possibly.

8 Q. Same question with regards to the second
9 sentence at the top regarding this document. It
10 says, "Use this resource to learn about your
11 role as well as when to rely on other
12 stakeholders throughout the process." Is that
13 an accurate description of this document?

14 A. I would say that is a description of this
15 guideline in addition to other guidelines that
16 exist.

17 Q. Do you see that it says "use this resource" and
18 it doesn't say you may use this resource or
19 there's a caveat? Do you see that it sounds
20 like it's an instruction, not a possibility. Do
21 you see that?

22 MS. DAVIS: Objection; document speaks for
23 itself.

24 THE WITNESS: This is a guideline.

25 Q. BY MR. BYRON GOLDSTEIN: So as Felicia just

1 said, the document speaks for itself. So a
2 document like this where a talent acquisition
3 created, these would be well thought out
4 documents? These weren't haphazard; correct?

5 A. I'd like to clarify one point. My --

6 Q. Sure.

7 A. My answer, I believe talent acquisition may have
8 created this, but I do not know the specific
9 person who created this document.

10 Q. Do you have any reason to believe that either of
11 the first two sentences in this document are
12 inaccurate?

13 A. I believe that this is a guideline that a hiring
14 manager can utilize. It's not a rule that they
15 have to follow. It is a guideline.

16 Q. Okay. So in this document we looked at phase
17 five, make an offer. But do you see that there
18 are six phases to the hiring process? Do you
19 see that?

20 A. I do.

21 Q. And that making an offer is part of the hiring
22 process? Do you see that?

23 A. I do.

24 Q. And that's correct?

25 A. That is correct.

1 Q. For each of the phases here, the document
2 provides for the roles and responsibilities of
3 at least some of those involved in the hiring
4 process; is that accurate?

5 A. This document is a guideline that is used in the
6 hiring process and was involved in the hiring
7 process.

8 Q. Can you turn to the second page, please, in
9 phase six of the hiring process.

10 A. Yes.

11 Q. Do you see that it states in the second-to-last
12 bullet point "For internal hires, partner with
13 former manager on a transition plan"? Do you
14 see that?

15 A. I do.

16 Q. So this hiring process document applies to
17 competitive promotions or other job changes for
18 current Nike employees as well as new hires;
19 correct?

20 A. Correct.

21 Q. So the hiring process begins with phase one,
22 "Identify Talent Need." Do you see that?

23 A. I do.

24 Q. So, and do you see the reference, one of the two
25 roles listed here is HR manager/HR business

1 partner? Do you see that?

2 A. I do.

3 Q. Is that referring to the part of HR that's
4 business facing?

5 A. Yes, it is.

6 Q. And then, so in phase one under "Hiring
7 Manager," do you see that it says in the second
8 bullet point, "Discuss need with HR manager/HR
9 business partner"? Do you see that?

10 A. I do.

11 Q. And that's part of the hiring process; is that
12 accurate?

13 A. It could be. It's part of the guidelines. Our
14 hiring manager could discuss the need with an HR
15 manager.

16 Q. And then do you see the next bullet point,
17 "Receive approvals from leadership and finance
18 to open position"?

19 A. I do.

20 Q. So in order to proceed further with the hiring
21 process, must the HR hiring manager receive
22 approvals from leadership and finance to open
23 the position?

24 A. It's one of our processes, is to make sure that
25 we have the budget to fill a role. So yes. It

1 is, it is one of the processes.

2 Q. How does the hiring manager go about receiving
3 the approval from leadership and finance to open
4 the position? Is there a specific document that
5 that request is made in?

6 A. That process varies depending on the time of
7 year, when a position is opened, if there is --
8 It depends on the type of role that is being
9 opened.

10 Q. So the next bullet point, do you see the next
11 bullet point under "Hiring Manager"? It says,
12 "Gathers position details such as job
13 description band, job code, cost center,
14 et cetera, and coordinates with HR Direct to
15 understand which position requirements are
16 necessary to gather prior to position creation."

17 Do you see that?

18 A. Yes.

19 Q. Can you, can you turn back to Exhibit 662,
20 please.

21 A. Okay.

22 Q. Do you see that there's a list of references in
23 the manager playbook hiring that directed
24 managers to the hiring process?

25 A. I'm sorry. Can you clarify? There's a list of

1 point says, "Recommend position leveling if
2 needed." Do you see that?

3 A. Yes.

4 Q. What does that refer to?

5 A. I believe that refers to what is the right
6 position for that hiring manager's team at that
7 point. Again, it's a consultative process. The
8 hiring manager at times may have a specific
9 knowledge of what level that they would like to

10 create an open position. There are times when
11 the creation of a position, for example, if
12 someone exits the team, may create in some
13 changes around what capabilities are needed.

14 And so the hiring manager will partner with the
15 HR manager around what is the best approach.

16 Then the hiring manager will make the decision
17 because it is their team and their business
18 around what the open position should be.

19 Q. How does the business facing HR know if position
20 leveling is needed?

21 A. Every single scenario is different. So every
22 single HR manager operates differently with
23 their business. They, because of the process of
24 approvals, the HR manager is involved in, in
25 that as a central point for coordination,

1 recruiter.

2 Q. Are there any trainings for talent acquisition
3 concerning how to use Taleo?

4 A. There are trainings on how to use Taleo.

5 Q. Who gives those trainings?

6 A. That is not consistent. Who gives the training
7 is not consistent. Sometimes it is the manager
8 of the recruiter. Sometimes it is through an
9 on-boarding training. It varies.

10 Q. So there's, there are on-boarding trainings for
11 talent acquisition new hires?

12 A. We have some on-boarding training for new hires
13 now.

14 Q. Has Nike been collecting compensation
15 expectations since 2015 or have a guideline or
16 policy regarding the collection of compensation
17 expectation since 2015?

18 A. We don't specifically -- I would like to define
19 what you mean by "collecting."

20 Q. Ask for compensation expectations.

21 A. I would say that is one of our guidelines for
22 our recruiters, to ask for compensation
23 expectations as a data point.

24 Q. Has that been a guideline since 2015 to the
25 present?

1 A. It is our guideline for recruiters to ask the
2 compensation expectations.

3 Q. And has that guideline been in existence since
4 at least 2015? Is that accurate?

5 A. I would say so. I would say that is a way of
6 working in recruiting.

7 Q. And that applies to new hires at Nike World
8 Headquarters in bands for positions in bands L
9 through S?

10 A. Correct.

11 Q. Then we get to phase five, "Make an Offer."

12 A. Okay.

13 Q. Do you see the, under "Talent Acquisition," the
14 second bullet point says, "Review compensation
15 information with hiring manager and conduct any
16 necessary pre assessment"?

17 Do you see that?

18 A. I do.

19 Q. What are the pre assessments?

20 A. That could mean a variety of things. I would, I
21 could not answer that conclusively, what that
22 means. Just give me one minute. It's such a
23 broad term. It does not have a specific
24 definition that I could say what does a pre
25 assessment mean.

1 Q. Then do you see the fourth bullet point,
2 "Contact HRBP and business leaders for offer
3 approval"?

4 A. Correct. I do see that.

5 Q. So talent acquisition has to contact HRBP and
6 business leaders for approval of the offer?

7 A. We do not. We contact the hiring manager to
8 approve the offer. It varies from situation to
9 situation because every offer is unique.

10 Q. Are you saying that this bullet point in the
11 hiring process is incorrect?

12 A. I would say this bullet point is a guideline
13 that recruiters can apply as needed, and if not
14 needed, they do not need to apply. This is a
15 guideline.

16 Q. There is a -- So is it fair to say that there's
17 a guideline that talent acquisition is supposed
18 to contact HRBP's and business leaders for offer
19 approval?

20 A. I would say that this is the guideline which
21 means that every scenario may be different.
22 Some offers do not need any contact with anyone
23 beyond the hiring manager, most offers actually.
24 So this is the guideline that recruiters can
25 follow, but it's not always needed.

1 language in this document or in any policies,
2 guidelines or other documents that Nike has that
3 contradict this document because it says the
4 hiring manager can just make the decision on
5 their own?

other than the New Hire Approval Matrix (Exhibit 672)

6 A. I cannot point to documents. I can tell you
7 what our ways of working are, that this is a
8 guideline and this is not a linear process.
9 This is not a step-by-step process that the
10 recruiter or the hiring manager or all the HRBP

11 follow. This is a guideline. The onus of the
12 decision making for the offer rests on the
13 hiring manager. The recruiter is involved in
14 facilitating that process, but the decision is
15 made by the hiring manager. And that may not be

16 documented, but it is a way of working at Nike.

17 Q. How do you know that?

18 A. I know that from my experience as a recruiter.

19 Q. When offers are made, whether or not a request
20 for approval is done, is that entered into
21 Taleo?

22 A. To clarify your question, is the offer entered
23 into Taleo?

24 Q. Requests for approval of an offer.

25 A. No. That is not entered into Taleo.

1 used for a final offer. Taleo has the final
2 offer amount.

3 Q. What policies, guidelines or other documents
4 describe how recruiters or anyone else at Nike
5 is supposed to determine starting pay for an
6 external hire in bands L through S?

7 A. So this is a part of a recruiter's job. It's
8 not outlined in a document. It's how we work or
9 I would refer to it as a way of working, like in
10 determining the final offer, multiple data
11 points. It's not a ^{linear} ~~linear~~ process and all those
12 data points are taken into consideration when
13 determining the final offer. It is how we do
14 our job.

15 Q. Does talent acquisition determine the final
16 offer?

17 A. We do not.

18 Q. What guidelines, policies or other documents
19 does Nike have with respect to determination of
20 the final offer for starting pay at Nike World
21 Headquarters for positions in bands L through S
22 that apply to the final decision maker?

23 A. The hiring manager is the final decision maker
24 on final offers. The recruiter uses different
25 data points that are not in the policy, not

1 says, "Enter the base salary to be used in the
2 candidate's offer"; correct?

3 A. It says that. Yes.

4 Q. How does information that's entered here, final
5 base salary, get into the candidate's offer
6 letter?

7 A. So I would say that this is the tool that a
8 recruiter uses to model different scenarios.
9 Not all recruiters need to use this. The
10 majority of our offers actually you don't need
11 to use this tool because they're a little bit
12 more straightforward.

13 So if a recruiter uses this, they will model
14 different scenarios and then present those
15 scenarios to the hiring manager who makes the
16 final offer. And whatever that final offer is,
17 there are many components to an offer, the final
18 base salary is entered into a field in Taleo.

19 Q. And when it's provided to the hiring manager or
20 whoever else makes the final decision, is, if
21 you look in, is this saved to a PDF and sent?

22 A. First of all, the hiring manager always makes
23 the final decision, just to be clear, around the
24 offer for all of our candidates. Typically some
25 recruiters will use this as a tool for a

1 sign-on, which we have the different levels, so
2 it depends on the level of the candidate, can be
3 more complicated. If I hire for a marketing
4 coordinator where they don't have complicated
5 equity walkaway, depending on the company they
6 come from, I might not need to look at all those
7 scenarios.

8 So my point is that every single offer has a
9 different situation, has a different set of data
10 points and different types of information points
11 that you look at when you make an offer.

12 Q. So it sounds like the amount of equity they were
13 receiving in their prior job was a significant
14 factor in how you modeled or recommended
15 starting compensation offers; is that right?

16 A. ^{Equity walkaway is} ~~It's~~ one of the data points that we look at.

17 There are multiple data points for every single
18 offer. So no offer is the same.

19 Q. So this version is from April 2020. Does Nike
20 have versions of this document from before 2020?

21 MS. DAVIS: Objection; outside the scope,
22 asked and answered.

23 THE WITNESS: I don't know. A tool's a
24 tool. It's a tool that a recruiter uses.

25 Q. BY MR. BYRON GOLDSTEIN: Can you point me to any

1 the same work at the same level and experience
2 are offered equitable compensation."

3 Do you see that?

4 A. I do.

5 Q. So Nike decided to no longer ask candidates
6 about their compensation history because it
7 supports diversity inclusion and equitable
8 compensation; is that correct?

9 A. I believe the law also changed around legally
10 asking candidates for their compensation history
11 around the same time. So I think it was a
12 combination of both.

13 Q. So would your answer to my question be yes, but
14 it was also about the change in the law?

15 A. I would say yes. I mean, it's an evolution of
16 that policy.

17 Q. The main purpose of this e-mail is to inform
18 talent acquisition employees that Nike would,
19 quote, no longer ask candidates about their
20 compensation history; correct?

21 A. Just reviewing it. Looks like it. Yes.

22 Q. And do you see the subject of the e-mail is
23 "Commitment to pay equity"?

24 A. I see that.

25 Q. So the intention of this policy change of no

1 previously been introduced as Exhibit 513. And
2 that is NIKE_00002070.

3 A. I have the document.

4 Q. Thank you, Shine. And the file name in the
5 metadata Nike produced is TA comp history policy
6 change, two-pager, August 24, 2017, and there's
7 also a title of the document listed that says TA
8 policy change one-pager final. Even though the
9 title of this document, according to Nike's
10 metadata produced is TA policy change, one-pager
11 final, is this the document referenced in 673 TA
12 comp history practice one-pager?

13 A. I assume so. It has the same title.

14 Q. At the bottom of the first page it says, "This
15 policy only applies to external applicants,
16 which includes all ETW's." Do you see that?

17 A. I see that.

18 Q. This document is thus announcing a change in
19 Nike policy; correct?

20 A. Yes. So some elements of this is a change in
21 policy and some elements of this is a change in
22 guideline.

23 Q. Is one of the change in policies, do you see
24 where it says "Nike employees may no longer"?

25 A. I do.

1 Q. Under that it says, "ask candidates or their
2 employers questions about their compensation
3 history." Is that one of the policy changes?

4 A. That would be a policy change.

5 Q. And it says, "ask their employers." How did
6 Nike previously ask their employers about their
7 compensation history?

8 A. I have never asked an employer about someone's
9 previous compensation history. So I'm not
10 actually sure why it says that. It's not a
11 standard part of our recruiting process. We
12 would ask, ^{before the} ~~a follow-on~~ change, we would ask ^{the} ~~a~~
13 compensation history of a candidate. I can't
14 think of a single scenario where the question
15 went to their previous employer because of
16 confidentiality. And currently we ask the
17 candidate expectations, but we also do not
18 contact the candidate's previous employer around
19 compensation.

20 Q. You were saying that you, in your role as a
21 recruiter, did not yourself ask employers those
22 questions. Is that what you're saying or are
23 you speaking for all of Nike?

24 A. I would say our guideline is to only ask the
25 candidate about their compensation and that is a

1 Nike guideline.

2 Q. And it also says under "Nike employees may no
3 longer," it says, "Record salary history
4 information in the ATS/CRM." So this was
5 telling -- Well, strike that. Is that a policy
6 change, too?

7 A. That would, recording salary history, that would
8 be a ^{policy}~~salary~~ change because the law changed.

9 Q. And ATS refers to Taleo?

10 A. Correct.

11 Q. CRM refers to, does that refer to Avature?

12 A. Correct.

13 Q. Did Nike maintain the salary history information
14 in the ATS, I mean, has Nike maintained that
15 data to the present?

16 A. Can you clarify what you mean by that question?

17 Q. Does Taleo currently have information concerning
18 salary history of candidates, external
19 candidates for positions at Nike World
20 Headquarters bands L through S?

21 A. It should not. Taleo is not used for that and
22 we don't, since the law changed, we don't record
23 compensation. So I don't -- I would be -- Taleo
24 is not used to house that information. Whether
25 it has or not, I don't know.

1 course, we look at their expectations. I'm
2 looking at this document. Sorry.

3 Q. Sure.

4 A. I think this is a, this is a general statement
5 as a part of a PowerPoint deck, may have been a
6 talking point.

7 Q. Would you agree that that statement's accurate
8 if it's dated prior to October 2017, "We often
9 focused on a new hire's prior salary and/or the
10 size of the increase the new hire would
11 receive"?

12 A. I would say that's inaccurate. I would say that
13 prior salary was a data point that we looked at,
14 but it was always, our guideline has always been
15 that is a data point. The position and the
16 range is also a data point. Every single offer
17 is unique and every single offer has different
18 nuances associated with the candidate and their
19 experiences and qualifications. So I would say
20 that that is what, your statement is not
21 correct.

22 Q. I believe you said that external candidate's
23 prior salary was always within the guidelines.
24 Is that what you said?

25 MS. DAVIS: Objection; vague.

1 THE WITNESS: I don't think I said that. I
2 don't know if Aleshia can restate what I said.

3 MR. BYRON GOLDSTEIN: Aleshia, can you read
4 back the last answer from Shine, please.

5 (Record read as follows:

6 "A I would say that's inaccurate. I
7 would say that prior salary was a data point
8 that we looked at, but it was always, our
9 guideline has always been that is a data
10 point. The position and the range is also a
11 data point. Every single offer is unique
12 and every single offer has different nuances
13 associated with the candidate and their
14 experiences and qualifications. So I would
15 say that that is what, your statement is not
16 correct.")

17 Q. BY MR. BYRON GOLDSTEIN: So can you point to any
18 policies, guidelines or other documents that
19 would show that new hire's prior salary was a
20 data point and not, as this sentence says, often
21 focused on?

22 A. There isn't a guideline I can point to. I can
23 point to my experience as a recruiter at Nike.
24 It is absolutely one of the data points in
25 association with qualifications, experience,

1 skill sets, capabilities.

2 Q. Okay. I'm introducing what's been previously
3 marked as Exhibit 509. Bates numbers
4 NIKE_00001996 and this is Nike's FY '16/'17
5 sustainable business report. Let me know when
6 you have it up.

7 A. This is a large document as well. So it will
8 take some time to download.

9 It's about halfway there, just so you know
10 timing.

11 Q. Thanks for the update. I'm sure you could use
12 the break from me talking anyways.

13 A. I have the document open now.

14 Q. Just a couple of quick questions. Can you turn
15 to, so it's page 57 of the document. On the
16 page it says page 56 and the Bates number is
17 NIKE_00002052.

18 A. Okay. Okay. Got it.

19 Q. In the lower right-hand column, do you see where
20 it says "FY '18/'19 dedicated talent sourcing?"

21 A. I do.

22 Q. And do you see that it states, "We will invest
23 in a dedicated diversity sourcing team to be
24 immersed in the marketplace, increase visibility
25 and accountability to ensure slates of diverse

1 A. Confused by what topics you mean from 2015 or
2 2016, 2017. Do you mean the sustainability
3 report that we just were looking at?

4 Q. The review of promotion practices of World
5 Headquarters that it talked about in the
6 sustainable business report. I'm just basically
7 asking do you know whether Nike did any reviews
8 of promotion practices at Nike headquarters with
9 respect to any employees in bands L through S at
10 any time from 2015 through 2017?

11 A. I do not.

12 MR. BYRON GOLDSTEIN: Okay. You want to do
13 a break now?

14 (Break taken from 5:41 to 5:54.)

15 Q. BY MR. BYRON GOLDSTEIN: Shine, I'm introducing
16 Exhibit 674 and Bates number is NIKE_00030825.
17 And the Nike metadata states that the file name
18 of this document is base pay circa 2015, maybe
19 beyond.

20 Do you see that, Shine?

21 A. I have the document open.

22 Q. Did you look at this document in preparation for
23 this deposition?

24 A. I don't know if I have looked at this document
25 before.

1 Q. Okay. Do you see the URL in the lower left-hand
2 corner?

3 A. I do.

4 Q. Did that confirm with you that this is a Nike
5 document?

6 A. Yes.

7 Q. So the document title is, as I mentioned, base
8 pay circa 2015, maybe beyond. So is this Nike
9 document something that was in effect around
10 2015 and maybe past that?

11 A. If that's what the document says, then yes.

12 Q. The document says "unpublished" on it. What
13 does that mean?

14 A. I don't know.

15 Q. A lot of the documents we've looked at so far
16 were published on Nike's HR website. Do you
17 recall that at least some that we've looked at
18 so far?

19 A. Yes.

20 Q. And are those documents created within Nike's HR
21 website or are they created outside of Nike's
22 website and then uploaded into Nike's HR
23 website?

24 A. I'm not the most technical, but I assume
25 documents are created outside a website and then

1 uploaded. But I don't know that for a fact.

2 Q. So is it possible that the phrase "unpublished"
3 here just means that this document could have
4 been on Nike HR website, but this is not a copy
5 of the one that was on the website? Maybe you
6 don't know. Sorry. That was a confusing
7 question. I'm just trying to figure out what
8 "unpublished" means. I think did you say you
9 didn't know?

10 A. I don't know for a fact what that means.

11 Q. What do you think it means? What do you think
12 it means?

13 A. It looks to me to be a draft version of a
14 document and perhaps the final version was
15 uploaded.

16 Q. Do you know who would have created this
17 document?

18 A. I don't know who specifically. It looks like
19 it's around compensation. So possibly the
20 compensation team.

21 Q. Would it be fair to -- So you think that the
22 compensation team may have drafted it. Are you
23 confident that at least some organization or
24 business unit in HR created it?

25 A. Based on the wording and the content in the URL,

1 I would assume so.

2 Q. Thank you. Under "Beginning a New Job," do you
3 see where that is in the middle of the page?

4 A. I do.

5 Q. It states, "Regardless of whether employees are
6 new to Nike or current employees moving into a
7 new role, they will be offered a competitive
8 base salary."

9 So does that show you that this document
10 applies to both new hires and competitive
11 promotions or laterals at Nike World
12 Headquarters, including bands L through S?

13 A. It does.

14 Q. Do you see that the document then states,
15 "Managers consider the following factors when
16 making an offer," and then there's seven factors
17 and bullet points?

18 A. I do.

19 Q. And do you see the last of the factors listed
20 here, which is past Nike job performance, is
21 followed by a statement in parentheses? Do you
22 see that?

23 A. I do.

24 Q. And the statement in parentheses says, "For
25 internal employees changing jobs." Do you see

1 that?

2 A. I do.

3 Q. And do you see that the remaining six factors do
4 not have any reference to internal employees?

5 A. Correct.

6 Q. So if a candidate was a new hire, the first six
7 factors would apply but not the seventh; is that
8 accurate?

9 A. That is accurate.

10 Q. And then one of the factors listed here is
11 internal peer-base salaries, which would apply
12 to both internal competitive promotions and
13 laterals and external applicants who are new
14 hires at World Headquarters. How did Nike
15 determine what jobs were peers of one another
16 when this document was in effect in 2015?

17 A. I don't know specifically to 2015. I can say
18 how we look to the internal equity currently,
19 which I believe is the same consistently across
20 the time period I've been at Nike, which is it's
21 another data point that we look at, is to look
22 at internal comparisons of salaries or internal
23 equity pieces. It's a data point though. It's
24 not a decision-making factor.

25 Q. How is the, the peer in internal peer-based

1 salaries determined? Who, whose the comparison
2 or what jobs or however it's characterized?

3 A. We would look at peers within that hiring
4 managers' own team that might have similar
5 titles and we could also look at peers that were
6 in similar job codes across other teams. It
7 depended on the situation.

8 Q. Do you know of any policies or guidelines that
9 discuss, other than this document, internal
10 peer-base salaries when making decisions about
11 starting pay for external hire at Nike World
12 Headquarters a position in bands L through S?

13 A. I don't know about documents, but I would say
14 that it was one data point in making that
15 decision, not the data point in making that
16 decision.

17 Q. So when making -- Can you flip to the top of the
18 next page, "Beginning a New Job" section
19 continues?

20 A. Yes.

21 Q. And do you see that it says, "This process is
22 applicable for all job changes"?

23 A. Yes.

24 Q. And you see that it also says, "This includes
25 promotions and lateral moves"?

1 A. It does.

2 Q. And then the last sentence says -- Sorry. Go
3 ahead, Shine.

4 A. I said it does say that.

5 Q. Okay. The last sentence there says, "The
6 external market zone creates the range to pay
7 within, while the remaining factors determine
8 where in the zone to pay."

9 Is that an accurate statement?

10 A. I'd say generally that is. But there are always
11 nuances for each role and generally that is
12 accurate.

13 Q. Do you know of any policies, guidelines or other
14 documents that contradict that sentence and were
15 in effect from any time from 2015 until
16 October 2017 and applied to new hires at World
17 Headquarters in bands L through S?

18 A. I don't know of any myself.

19 Q. And then can you go back to the first page?

20 A. Yes.

21 Q. And so it says, "Managers consider the following
22 factors when making an offer." And the first
23 one is, "External market zone for the job."
24 That's, is that just referring to pay range or
25 what was a pay range before pay ranges?

1 A. Yeah. I believe that, I believe that's the same
2 concept, the external market zone for the job or
3 the pay range for the job.

4 Q. Okay. Thanks. We talked about internal
5 peer-based salaries, the second factor. The
6 third factor is "Relevant work experience,
7 education and skills." What are the guidelines,
8 policies or reference documents that apply to
9 the determination of what is relevant work
10 experience, education and skills at any point
11 since 2015?

12 A. I would say I don't know specific guidelines,
13 but it's a part of the recruiting process where
14 you look at someone's work experience as
15 compared to a job description and then the
16 evaluation of their experience, education and
17 skills during interview.

18 Q. Is it possible that there have been policies or
19 guidelines for determining what is relevant work
20 experience, education and skills say between
21 2015 and 2017 for Nike World Headquarters?

22 A. We have so many jobs and so many types of jobs,
23 you know, what's relevant, it varies with every
24 single job. So I think the guideline is to
25 consider this as a data point.

1 Q. The next one's "Total Rewards package." Does
2 that refer to -- What does that refer to?

3 A. So Total Rewards package is what we refer to as
4 the total compensation package. So it refers to
5 base salary, bonus potential, equity, sign on,
6 depending on the level that you're at, other
7 sign on that you might receive as well as
8 potentially the value of benefits that we offer.

9 Q. Thank you. The next one is "Historical salary
10 progression." Is that the pre Nike salary
11 history?

12 A. Yeah. I don't know why this is in here. I
13 would say it's not something that's super
14 relevant to looking at offers. I don't know.
15 We usually look at their most recent, so
16 currently their expectations around their
17 salary. We don't really ask for historical
18 salary progression of external candidates.

19 Q. Got it. So during the period of 2015 to
20 October 2017, that factor would be more, that
21 would be accurate if it's instead stated prior
22 salary to Nike; is that fair?

23 A. Sure. Yeah.

24 Q. And then what does "Business financial
25 conditions" mean?

1 A. Again, I don't know why that would be a point in
2 here. This document wasn't published and maybe
3 they changed that because we have our -- That
4 isn't necessarily a factor that we consider when
5 we're making an offer to a candidate.

6 Q. Okay. This is Exhibit 675. Actually, so
7 Exhibit 675 is NIKE_00007038.

8 Do you see that document, Shine?

9 A. It's opening up. It's a large document. It's
10 still opening. Sorry.

11 Q. It's okay.

12 A. I have the document open now.

13 Q. Do you recognize this as a printout from the
14 Taleo system that Nike uses?

15 A. Yes.

16 Q. On the first page it says "Latest Submission
17 Medium." What does that mean?

18 A. I believe that means that's the status that the
19 candidate is in.

20 Q. Do you know what "Matched to Job" means?

21 A. I don't know what that means. Sorry. I don't
22 know.

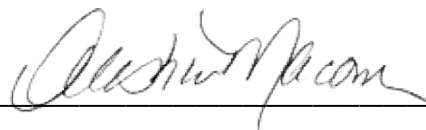
23 Q. Based on the top part here, do you see that this
24 was an external applicant who was hired?

25 A. Yes.

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that SHINE THOMAS remotely appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 270, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 8th day of April, 2021.



Aleshia K. Macom

OR CSR No. 94-0296, Expires 9-30-2023

WA CCR No. 2095, Expires 7-7-2021

CA CSR No. 7955, Expires 7-7-2021

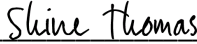
Cahill, et al v. Nike**Shine Thomas Deposition Errata**

Page: Line	Reads	Should Read	Reason
25:6-8	"a requisition was created and open to hire against, a recruiter would be managing that requisition."	"a requisition was created and open to hire against, a recruiter would be managing the administrative process of that requisition."	To clarify the record as reflected in other testimony
29:4	"involves the hiring and talent acquisition."	"involves the hiring manager and talent acquisition."	To correct a transcription error
50:6-7	"I would say that is a fair assessment."	"I would say that is a fair assessment but Talent Acquisition does not approve whether a candidate is hired or not."	To clarify the record as reflected in other testimony
67:11	"might take someone in a specific position."	"might place someone in a specific position."	To correct a transcription error
85:6	"opinion, externally or internally."	"opinion, externally and internally."	To correct a transcription error
85:15	"to post it internally or externally."	"to post it internally and externally."	To correct a transcription error
121:6-7	"I cannot, but I will reiterate this is not a rule that recruiters have to follow."	"I cannot, other than the New Hire Approval Matrix (Exhibit 672), but I will reiterate this is not a rule that recruiters have to follow."	To conform to the facts
123:6	"I cannot point to documents."	"I cannot point to documents other than the New Hire Approval Matrix (Exhibit 672)."	To conform to the facts
132:15	"Correct."	"I assume so, but as I said many times, non-competitive promotions are not my area of expertise."	To clarify the record as reflected in other testimony
171:5-6	"one of multiple data points that we would look at."	"one of multiple data points that we could look at."	To correct a transcription error
180:11-19	[This question is recorded in the form of an answer.]		To correct a transcription error
182:21-23	"I don't know outside of not competitive hiring who uses this tool and for what."	"I don't know outside of competitive hiring who uses this tool and for what."	To correct a transcription error
185:11	"It's not a lineal process"	"It's not a linear process"	To correct a transcription error
187:17	"I did not."	"I did not look at specific offers. I know how offers are made."	To conform to the facts

195:12-13	"There are no written documents that I can think of."	"There are no written documents that I can think of other than the New Hire Approval Matrix."	To conform to the facts
197:16	"It's one of the data points that we look at."	"Equity walkaway is one of the data points that we look at."	To clarify the record as reflected in other testimony
215:11-13	"We would ask, a follow-on change, we would ask a compensation history of a candidate."	"We would ask, before the change, we would ask the compensation history of a candidate."	To correct a transcription error
216:7-8	"That would, recording salary history, that would be a salary change because the law changed."	"That would, recording salary history, that would be a policy change because the law changed."	To correct a transcription error
251:6	"screen to see we can hire the candidate."	"screen to see if we can hire the candidate."	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: May 21, 2021

DocuSigned by:

 5E235634EA0241E Shine Thomas

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA)
JOHNSTON, LINDSAY)
ELIZABETH, and HEATHER)
HENDER, individually and)
on behalf of others)
similarly situated,)
Plaintiffs,)

vs.

Case No. 3:18-cv-01477-JR

NIKE, INC., an Oregon)
Corporation,)
Defendant.)

REMOTE VIDEOTAPED DEPOSITION OF EMILY TUCKER
Portland, Oregon
Friday, January 22, 2021

REPORTED BY: Dayna Michelle Glaysher
CSR No. 13079;
RPR, CRR No. 28081

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA)
JOHNSTON, LINDSAY)
ELIZABETH, and HEATHER)
HENDER, individually and)
on behalf of others)
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Plaintiffs,)

vs.)

Case No. 3:18-cv-01477-JR

NIKE, INC., an Oregon)
Corporation,)
Defendant.)

Remote Videotaped Deposition of EMILY TUCKER,
taken before Dayna Michelle Glaysher, a Certified
Shorthand Reporter for the State of California, with
principal office in the County of Los Angeles,
commencing at 8:57 AM, Friday, January 22, 2021.
Witness location: Portland, Oregon.

1 accurate?

2 A. Uh-huh, yes.

3 Q. I just need a verbal answer.

4 A. I didn't hear you.

5 Q. Oh, I just need a verbal answer. I only saw you 11:04:43
6 shaking your head.

7 A. Yes.

8 Q. Okay. Thanks.

9 And then you returned to Nike in December of 2005
10 as account services manager, U.S. Customer Service 11:04:56
11 Department; is that accurate?

12 A. Yes.

13 Q. Okay. And was that role back in Oregon?

14 A. Yes.

15 Q. Were your first two roles with Nike account 11:05:05
16 representative and account executive -- were those in
17 Oregon as well?

18 A. Yes.

19 Q. Okay. Why did you decide to come back to Nike?

20 A. I -- so it was a -- you know, it was a nice place 11:05:18
21 to work. I enjoyed my coworkers. The work was
22 challenging. And -- and so I knew that that was an
23 environment I wanted to go back to.

24 Q. Okay. And was your supervisor when you returned
25 an individual by the name of Gorgon Barrett? 11:05:44

Page 70

1 A. Gordon.

2 Q. Oh, Gordon. I must have a typo. Sorry.

3 A. That's okay.

4 Q. Gordon Barrett.

5 And did you get along well with Mr. Barrett? 11:05:54

6 A. Yes.

7 Q. Okay. Did you feel he treated you fairly?

8 A. Yes.

9 Q. Okay. Did you apply -- was there an open
10 position that you applied for when you returned to Nike? 11:06:09

11 A. Yes.

12 Q. Okay. And you were interviewed for that
13 position?

14 A. Oh, yes.

15 Q. Okay. And you were selected for the position you 11:06:16
16 applied for, correct?

17 A. Yes.

18 Q. Okay. Your starting salary at Nike was \$48,000.

19 Does that seem accurate to you?

20 MS. SUN: Objection. Lacks foundation. 11:06:31

21 THE WITNESS: My starting salary for the
22 account service manager?

23 BY MS. DAVIS:

24 Q. Yes.

25 A. I actually recall -- I recall -- that's in the 11:06:42

Page 71

1 zone. I recall a slightly different number actually.

2 Q. Okay. I'll see if I can find any -- any
3 document. We'll come back to that.

4 Do you know how -- did you have any conversations
5 about your compensation before you were hired at Nike in 11:07:03
6 the account services manager role?

7 A. Did I have any conversations about compensation
8 with -- like with the hiring manager?

9 Q. Right. With anyone at Nike.

10 A. Yes. 11:07:23

11 Q. And who did you speak -- with whom did you speak?

12 A. That would've been Gordon.

13 Q. Okay. And what conversations did you and Gordon
14 have about your compensation?

15 A. I recall him making an offer. And I -- trying to 11:07:33
16 negotiate a higher number. And his response was that
17 there was a very extreme time constraint on his end as
18 relating to he needed to make and get an accepted offer
19 in the moment, and that he couldn't negotiate.

20 Q. Okay. And do you know how your starting salary 11:08:12
21 was set, what factors the company considered?

22 A. I don't.

23 Q. Okay. Do you recall your CFE rating in 2006 and
24 2007?

25 A. I mean I could guess. Not specifically. 11:08:40

Page 72

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter
of the State of California does hereby certify:

That the foregoing deposition was taken
before me at the time and place therein set forth, at
which time the witness was duly sworn by me.

That the testimony of the witness and all
objections made at the time of the deposition were
recorded stenographically by me and thereafter
transcribed, said transcript being a true copy of my
shorthand notes thereof.

In witness whereof, I have subscribed my
name this date: February 4, 2021



CSR Number 13079

RPR, CRR Number 28081

Page 186

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: January 22, 2021

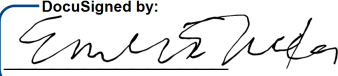
Deponent: Emily Tucker

Page	Line(s)	Reads	Should Read	Reason
28	12	Kavanagh	Cavanaugh	To correct spelling error
30	1	immanence	imminent	To correct transcription error
36	1	Michelle	Michele	To correct spelling error
36	7	Shafbow	Schafbuch	To correct spelling error
36	7	Dooby	Dube	To correct spelling error
36	7	Tanya	Tonia	To correct spelling error
38	5	Michelle	Michele	To correct spelling error
39	11	Kenny	Kenney	To correct spelling error
53	3	P-h-i-l-l-i-p-i, I believe.	P-h-i-l-l-i-p-i, I believe.	To correct spelling error
53	8	Suiten	Sutin	To correct spelling error
60	22	back sell	back fill	To correct transcription error
65	11	Nike values perspective	Nike VALUES band perspective	To clarify testimony
67	7	Birch	Burch	To correct spelling error
68	2	Birch	Burch	To correct spelling error
74	8	My role was to - - to oversight	My role was to – provide oversight	To clarify testimony
77	12	Haightman	Hapeman	To correct transcription error
83	19	Yes	Yes, I was involved in the decision.	To clarify testimony
93	3	Kavanagh	Cavanaugh	To correct spelling error
94	14	Palo Polo	Paolo Polla	To correct spelling error
97	23	Piestrip	Peistrup	To correct spelling error
100	11-12	It was below the minimum.	I am 90% sure it was below the minimum.	To clarify testimony.
101	19	Palo Polo	Paolo Polla	To correct spelling error
126	2	No	No, I did not make hiring decisions, just recommendations	To provide complete answer to question
126	5	No	No, I did not make pay decisions, just recommendations	To provide complete answer to question

126	8	No	No, I did not make CFE decisions, just recommendations	To provide complete answer to question
126	14	No	No, I did not make promotion decisions	To provide complete answer to question
126	19	Ryan	Bryan	To correct transcription error
126	22	Binser	Binzer	To correct spelling error
129	19	Maggie Winkler	Maggie Winkel	To correct transcription error
129	19	Michelle	Michele	To correct spelling error
132	17	Kenny	Kenney	To correct spelling error
136	3-4	and include that was for his direct reports	that was for his direct reports and not include me	To correct transcription error
160	4	Scarmetto	Scarmato	To correct spelling error
160	5	Scarmetto	Scarmato	To correct spelling error
166	4	rule	role	To correct transcription error
166	16	Michelle	Michele	To correct spelling error
171	9	Yes, hiring recommendations, yes.	Not hiring decisions. Hiring recommendations, yes.	To clarify testimony
181	12	Michelle	Michele	To correct spelling error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 3/4/2021 in Portland, OR.

DocuSigned by:

 23BF5372C8CB442...
 Emily Tucker

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,)	
individually and on behalf of)	
of others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3:18cv-01477-JR
)	
NIKE, INC., an Oregon)	
corporation,)	
)	
Defendant.)	

VIDEOCONFERENCE DEPOSITION
OF
SHANE WALKER
VOLUME I

DATE TAKEN: December 17, 2020
TIME: 9:30 a.m.
PLACE: Virtual

1 I appreciate you telling me whether you have personal
2 knowledge or not, but I'm also asking you the question as
3 a Nike witness, sir.

4 A. Okay.

5 Q. Now, what is used at present rather than job
6 descriptions in making the market assessment?

7 A. So we -- we will typically look at things like
8 job title. We will look at -- we will do a benchmarking
9 exercise with our Total Rewards consulting team and some
10 HR-VP's to understand essentially pulling up the market
11 match from the profile from the market match and having
12 discussions with them about is this the job content, does
13 it match up with what we're seeing in the market, yes or
14 no, and then we match the job accordingly.

15 Q. When you do this market assessment, is that --
16 is the market assessment written in any way?

17 A. So the data that we assess is -- yes, it is.
18 They are numbers that are associated with this that we
19 look at and we do a summary of the findings for that
20 market assessment.

21 Q. When you say summary of the findings, what do
22 you mean by that?

23 A. So how our jobs are positioned against the
24 market. So when we look at, for example, a compensation
25 analyst role and we look at the 50th percentile of the

1 market, we look at it compared to Nike. It allows us to
2 see how we are positioning that job within our pay ranges
3 and if we need to do anything different with our pay
4 ranges as a result of that.

5 Q. Is the market assessment summaries written in
6 any fashion?

7 A. At times, yes, they are. I don't know if it
8 has been consistent across every year, but, yes, at times
9 they are written.

10 Q. When you do a market assessment, do you send
11 your summary up to your -- to the vice president who you
12 report to?

13 A. Again, it varies year by year. This past year,
14 we did not.

15 Q. The year prior to that, did you do it?

16 A. Yes.

17 Q. Where is that summary retained, sir?

18 A. So we have -- it is on Box.

19 Q. Was the answer on B-o-x?

20 A. (Witness nods head affirmatively.)

21 Q. What is Box?

22 A. It is our company's file storage, file storage.

23 Q. So if you wanted to find prior market
24 assessment and summaries, you could find it by going to
25 Box?

1 MS. DAVIS: The question is vague and
2 ambiguous.

3 THE WITNESS: We're setting pay ranges and the
4 structures. Managers are responsible for making pay
5 decisions for their employees.

6 BY MR. BARRY GOLDSTEIN:

7 Q. Managers, as reviewed by vice presidents in
8 E7+?

9 A. Not always. So we typically are a manager plus
10 one in most cases.

11 Q. Well, we'll talk about the review process
12 later.

13 Are the -- is the business-facing part of HR
14 working with the managers as far as setting pay?

15 A. The HR business partners, on occasion, yes,
16 there would be times when they would be eventually
17 providing guidance or helping make a recommendation to
18 the manager.

19 Q. In setting the pay ranges, are the surveys used
20 by these companies part of the process?

21 A. Yes.

22 Q. Now, before there were pay ranges, there were
23 market zones; is that correct?

24 A. Yes.

25 Q. In setting the market zones, were there surveys

1 A. No.

2 Q. Now, agreement -- it looks like the first goal,
3 agreement on benchmark jobs and their matches, what does
4 this goal mean?

5 A. So not all of Nike's jobs exist in the market,
6 so we are matching those jobs that had similar job
7 content at Nike and also had similar job content in the
8 market, which would be our survey vendors.

9 And so our intent of this was to agree on the
10 benchmark jobs across the team and make sure that we have
11 matched all the jobs at Nike to the appropriate salary
12 survey jobs.

13 Q. So as I understand it, correct me if I'm wrong,
14 you take some jobs that you refer to as benchmark jobs
15 that are comparable to jobs that are -- generally exist
16 in the market with similar companies; is that correct?

17 A. So we look at job content and we match our jobs
18 at Nike to the jobs that are in the market, and those are
19 what we consider to be our benchmark jobs.

20 Q. When you say job content, what do you mean?

21 A. Generally the nature of work of the job. So a
22 finance job will have very different nature of work than,
23 for example, an HR job or a legal job, so it's the type
24 of work is what we are looking at.

25 And then the second piece is the level of work,

1 Q. On page 3244 of this document, towards the
2 bottom under job title, there's a reference to
3 compensation job description.

4 What is compensation job description refer to?

5 A. Again, I don't believe -- again, I don't know
6 the specifics around job description.

7 What I can speak to is that we have job codes
8 that are tied to job titles, and then there is also a
9 position title that is tied to the person's specific
10 role. And the position title is what shows up in our
11 employee-facing systems, like ^{Outlook} ~~hot-lip~~, for example, where
12 it is used as a more generic description or a specific
13 job role.

14 MS. DAVIS: I'll make a belated objection, that
15 this document is related to CFEs, and Mr. Walker is not
16 designated. It is not one of the designated topics
17 today. He can give his opinion as a Nike employee, but
18 not as a 30(b)(6) witness on CFEs or any documents
19 related to CFE s.

20 MR. BARRY GOLDSTEIN: We'll have to talk about
21 this, because this is intimately and interrelated with
22 compensation decision.

23 MS. DAVIS: Well, then, why don't you -- then
24 you could ask him about how it's related to compensation,
25 but you're asking him about a document about how they're

CERTIFICATE

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

I, Teresa L. Rider, CRR, RPR, CCR, CSR, hereby certify that said witness appeared before me via Zoom at the time and place set forth in the caption hereof; that at said time and place I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were transcribed through computer-aided transcription, under my direction; and that the foregoing pages constitute a full, true and accurate record of all such testimony adduced and oral proceedings had, and the whole thereof.

I further certify review of the transcript was not requested

Witness my hand at Portland, Oregon, this 27th day of December 2020.



Teresa L. Rider

Teresa L. Rider
Oregon CSR No. 12-0421
Washington CCR No. 2119
Expires 12-03-23

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,)	
individually and on behalf of)	
of others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3:18cv-01477-JR
)	
NIKE, INC., an Oregon)	
corporation,)	
)	
Defendant.)	

VIDEOCONFERENCE DEPOSITION
OF
SHANE WALKER
VOLUME II

DATE TAKEN: December 18, 2020
TIME: 9:30 a.m.
PLACE: Virtual

COURT REPORTER: Teresa L. Rider, CRR, RPR, CCR, CSR

1 A. They're the same. We initially had talked
2 about it internally as active pay management. Before
3 launching it to the rest of the company, we changed the
4 name to competitive pay management.

5 Q. So the current name would be competitive pay
6 management?

7 A. Yes.

8 Q. And active pay management has slipped into the
9 historical bin file and is no longer used?

10 A. Correct. I would refer to as formerly known
11 as, also known as.

12 Q. Well put.

13 Please continue.

14 A. So in May of 2018, we also initiated a pay
15 equity analysis. And then in June we continued APM and
16 CPM pay equity and GPR, and in that same time frame, we
17 moved from a share based stock program to volume based.

18 Moving for July, we continued APM and CPM,
19 continued pay equity and GPR and second email from Mo
20 Matheson.

21 And then in August, continued APM and CPM, pay
22 equity and GPR and Nike stock choice, which gives
23 employees the ability to choose or the vehicle they want
24 to receive their stock award in.

25 And then as we moved into November and

1 percent range.

2 Q. Just to clarify that, if one was at the
3 midpoint of the range, it would be at 1.0 of the range or
4 100 percent of the range?

5 A. Yes.

6 Q. And if you were at the minimum, what is your
7 percentage?

8 A. It's going to vary by pay range.

9 So our pay ranges have different range spreads,
10 as you move up, they broaden, so it would be -- it's
11 going to be different by each individual pay range.

12 Q. I was asking about the percentage.

13 A. That's -- yes. So you would have to take the
14 minimum of the -- you'd have to take the minimum of the
15 pay range and divide it by the midpoint to determine what
16 the percentage is or what that percentage range is.

17 Q. What is constant for all the pay ranges is that
18 the midpoint is 1.0?

19 A. Yes.

20 Q. Mr. Walker, I'm going to ask you about Topic
21 24. If you wanted to look at Topic 24, you could look at
22 it on Exhibit 502.

23 A. You said Topic 24?

24 Q. Yes.

25 A. Okay.

1 Q. I'm not sure you've testified, but what was the
2 purpose of the training program that is incorporated in
3 Exhibit 500?

4 A. So the intent of this was to prepare managers
5 for their role in managing pay, ensure that our managers
6 understand, explain and can apply Nike's Total Rewards
7 program, that they know how to use Nike pay ranges and
8 that they are able to evaluate pay at key moments
9 throughout the year.

10 Q. And so that is your answer to my question as to
11 what the purpose of training managers in pay and
12 compensation processes?

13 A. Yes, this was the intent of training for the
14 annual pay review.

15 Q. Okay. Let's turn to slide 8 on Exhibit 521.

16 A. Okay.

17 Q. I think when you referred to HRBP, you referred
18 to their businesses.

19 What did you mean by that, if I recall your
20 testimony correctly?

21 A. Yes. So each HR business partner is lined up
22 against a various part of the business. When I refer to
23 business-facing, they have different responsibilities
24 tied to different parts of the business, different
25 business leaders across Nike.

1 BY MR. BARRY GOLDSTEIN:

2 Q. Why don't you just tell me the way that you
3 were devolving base pay at this time.

4 A. So I think I just answered that, but we were --
5 we were -- we were -- how do I want to explain this? --
6 we were putting emphasis on managers managing pay within
7 the pay range, and so with that, we implemented new
8 programs, redesigned programs to make it simpler and
9 easier for our managers to think about and manage pay for
10 their employees.

11 We looked at some of the our recognition
12 programs for employees and looked for ways to enhance and
13 optimize those. We put new systems in place. We
14 provided new guidance to managers to start thinking about
15 this in a slightly different way, so really with a focus
16 on how do you position someone in the pay range. Why do
17 you position someone in the pay range.

18 Q. Fair enough.

19 Why don't we look at some of the specifics of
20 these changes. Could you go to page 1663?

21 A. Okay.

22 Q. Could you explain what is represented on this
23 page?

24 A. Yes.

25 Q. Please do.

GPR

1 ~~practice~~ would have been partially based on CFE rating.

2 Q. So as I understand what this chart shows is
3 that -- if someone got the same CFE rating, all other
4 things being equal, they would receive the same
5 percentage increase whether they were in the lower third,
6 the middle third or the upper third of the pay range; is
7 that correct?

8 A. If the employee received the same rating, the
9 guidelines would have shown the same for each of those
10 employees. The actual application of whether or not that
11 employee received an increase that was the same would
12 have been different.

13 Q. I'm sorry. I don't understand that.

14 A. Can you ask the question again?

15 Q. How is CFE, under the current practice as
16 defined here, which was GPR merit increase, if someone
17 got a CFE rating of successful, they would be entitled to
18 a certain percentage increase in their base pay pursuant
19 to the guidelines; is that correct?

20 A. No.

21 Q. Okay. We haven't gone into the coaching for
22 excellence discussion yet, but in order to understand
23 this chart, could you explain the basis for merit
24 increases under GPR related to coaching for excellence?

25 A. So merit guidelines -- this chart does not show

1 the merit guidelines, so merit guidelines were based on
2 the country, the payroll country and the coaching for
3 excellence rating. There was a range provided for each
4 performance rating, and those guidelines were loaded into
5 our system as a starting place for managers to make
6 decisions from.

7 Q. Okay. So -- and I'm only talking about Nike
8 World Headquarters, so we can leave out the country.

9 A. No, I think it's important. Country is a part
10 of how we establish guidelines.

11 Q. No, I understand that, but I'm just looking how
12 it's applied at Nike World Headquarters.

13 MS. DAVIS: Well, he's telling you that country
14 matters.

15 BY MR. BARRY GOLDSTEIN:

16 Q. I'm sure it matters whether you're in, you
17 know, France or the United States, but all the class
18 members are in the United States, so for this case only,
19 the United States matters.

20 MS. DAVIS: You can put it however you want to.
21 I think when we finish this line of questioning, we
22 should take a break. I don't want to interrupt in the
23 middle if you have a few questions left.

24 BY MR. BARRY GOLDSTEIN:

25 Q. Let's see what the answer is to the next

1 question and we'll see how many questions I may have.
2 Let me try to simplify this, because I don't really want
3 to go into a discussion of CFE at this point.

4 If a manager had decided to give three
5 individuals under the current practice a 3 percent
6 increase and -- change the question.

7 Let's just say a manager determined that the
8 employees were worthy of the same merit increase. It
9 wouldn't matter whether or not those employees were
10 located in the lower, middle or upper third of the pay
11 range; is that correct?

12 A. The actual application of the increases is up
13 to the manager, and so they very well could have taken
14 into account where someone was positioned in the pay
15 range, but the guidance that we provided to the managers,
16 did not take into account where someone was positioned in
17 the pay range.

18 Q. And explain how the new Compa-ratio is
19 different than the current practice.

20 MS. DAVIS: Asked and answered.

21 You can answer again.

22 THE WITNESS: The new Compa-ratio guidelines or
23 the new guidelines we provide as part of the annual pay
24 review, we provide based on country, budget and position
25 and range. There are -- there is a default best and a

1 CERTIFICATE

2
3 STATE OF OREGON)
4) ss
5 COUNTY OF MULTNOMAH)
6
7
8

9 I, Teresa L. Rider, CRR, RPR, CCR, CSR, hereby
10 certify that said witness appeared before me via Zoom at
11 the time and place set forth in the caption hereof; that
12 at said time and place I reported in stenotype all
13 testimony adduced and other oral proceedings had in the
14 forgoing matter; that thereafter my notes were
15 transcribed through computer-aided transcription, under
16 my direction; and that the foregoing pages constitute a
17 full, true and accurate record of all such testimony
18 adduced and oral proceedings had, and the whole thereof.

19 I further certify review of the transcript was
20 not requested.

21 Witness my hand at Portland, Oregon, this 29th
22 day of December 2020.
23
24
25



Teresa L. Rider
Teresa L. Rider
Oregon CSR No. 12-0421
Washington CCR No. 2119
Expires 12-03-23

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,)	
individually and on behalf of)	
of others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3:18cv-01477-JR
)	
NIKE, INC., an Oregon)	
corporation,)	
)	
Defendant.)	

VIDEOCONFERENCE DEPOSITION
OF
SHANE WALKER
VOLUME III

DATE TAKEN: December 21, 2020
TIME: 9:30 a.m.
PLACE: Virtual

COURT REPORTER: Teresa L. Rider, CRR, RPR, CCR, CSR

1 who drafted it. The document reads: Nike provides
2 several opportunities for managers to recognize
3 employees' performance and contributions. The basis for
4 these opportunities is Nike's philosophy to "pay for
5 performance."

6 Is one of the opportunities for awarding
7 increases to employees what was termed merit increases?

8 A. I mean, yes, merit increases do take into
9 account performance as one of the factors.

10 Q. And has this been true from 2015 to the
11 present?

12 MS. DAVIS: The question is vague and
13 ambiguous.

14 Go ahead.

15 THE WITNESS: Can you be more specific?

16 BY MR. BARRY GOLDSTEIN:

17 Q. The merit increase awards based on performance
18 from 2015 to the present.

19 A. There have been merit increase awards from 2015
20 to 2019, and in 2019, we implemented core pay increases.

21 Q. Is core pay increases a change in terminology
22 from merit increase to core pay increase?

23 A. It's not just a change in terminology. I mean,
24 we changed guidelines and how we developed them, as well,
25 and how managers enter into the system.

1 accomplish, and so we take into account both the what and
2 the how when we are looking at performance.

3 Q. And when you refer to leadership defined, is
4 that the name of the performance rating?

5 A. No.

6 Q. What is the name of the performance rating?

7 A. The performance rating itself it's the CFE
8 rating.

9 Q. Can you tell me what that acronym stands for?

10 A. Coaching for excellence.

11 Q. In addition to coaching for excellence, were
12 there any ratings that were -- are there any ratings
13 taken into account in 2019, other than coaching for
14 excellence?

15 A. There are a number of things taken into account
16 for determining pay. Coaching for excellence ratings is
17 one. Talent segmentation, risk of loss, impact of loss,
18 those are just some examples.

19 Q. Now, as I understand it, the performance rating
20 processes are not part of this 30(b)(6) deposition, just
21 how performance affects pay, so I won't go into the
22 details of talent segmentation or coaching for
23 excellence.

24 But is it accurate to say that talent
25 segmentation ratings just apply to bands E and S of the

1 A. I don't know.

2 Q. Is it infrequently done?

3 A. I would say, yes, it's done infrequently.

4 Again, it's going to vary based on manager, based on
5 year. I don't know the performance completion of the
6 company, so I can't speak to that.

7 Q. The last bullet point is: Awards are
8 differentiated based on performance as well as base
9 salary position in the market zone and the internal
10 equity range.

11 Do you see that, sir?

12 A. Yes.

13 Q. What does base salary position in the market
14 zone refer to?

15 A. That would be the position and range or
16 Compa-ratio.

17 Q. And we discussed Compa-ratio and position and
18 range on Friday with respect to the system that was put
19 into place in 2018.

20 A. Yes.

21 Q. So there's a position and range element to
22 determining pay that applied when the company used market
23 zones, just like there is a position and range that is
24 applied during the period when the company has used pay
25 ranges; is that correct?

1 employee's performance rating?

2 A. Performance rating is one factor that's taken
3 into account, but they do not drive the specific
4 guidelines.

5 Q. Is there guidelines with respect to how
6 performance ratings should be taken into account by
7 managers and others in determining a core pay increase at
8 the present time?

9 A. Not specifically.

10 Q. What do you mean, not specifically?

11 A. I mean, we do not from the center tell managers
12 how they should think about performance when determining
13 pay, but we do -- I mean, our expectation is that
14 managers know what great performance looks like and that
15 they are able to recognize their employees for that using
16 the programs that we have available.

17 Q. And so as I understand it, there were
18 performance rating guidelines in effect up until the
19 implementation of core pay increases in 2019; is that
20 accurate?

21 A. Yes.

22 Q. Where are the current guidelines located for
23 managers and others to use in assessing core pay
24 increases?

25 A. So there's an example in Exhibit 500 where we

1 show managers how we establish the guidelines. And then
2 the guidelines themselves are loaded into SuccessFactors
3 for use by the managers during the annual pay review
4 cycle. Outside of that window, they are not available to
5 managers.

6 Q. Could you look at Exhibit 500, please, and show
7 me where the guidance is located.

8 A. So if you go to slide 51.

9 Q. Okay. Just give me a second, please.

10 Okay. I'm there.

11 A. Okay. So slide 51 is an illustrative example
12 of how these guidelines are set up and loaded into
13 SuccessFactors. So there is a matrix whereon the
14 left-hand column, we have max invest, invest and market
15 and zero. And then the three columns to the right of
16 that show what an increase could be, and the lower
17 section of the pay range, the middle section of the pay
18 range or the upper section of the pay range.

19 In the system, every employee is defaulted to a
20 market increase, and then from there, managers can invest
21 or max invest in approximately 20 percent of their
22 employees. They also have the ability to zero out an
23 increase for various reasons.

24 On slide 50, there is the specific guidance we
25 give around what factors managers should take into

1 account when managing pay.

2 Q. Are the adjustments that managers make pursuant
3 to the guidance given on slide 51, are they then part of
4 the executive review process that we've discussed
5 previously?

6 A. I mean, it is a data point that is available
7 during that process, but how each individual manager,
8 manager +1, uses that information will vary or if they
9 use it at all.

10 Q. And then after the manager +1, the various pay
11 decisions proceed through the five phases of the
12 executive review process?

13 MS. DAVIS: Misstates prior testimony.

14 Go ahead.

15 THE WITNESS: Yeah, I don't know how many
16 specific phases there are right now, but there is an
17 executive review process where manager +1 and leaders
18 higher up in the organization are reviewing pay for their
19 organizations. As it goes further up in the
20 organization, they are going to be looking at summary and
21 trend information.

22 BY MR. BARRY GOLDSTEIN:

23 Q. We discussed the executive review process last
24 week. I'm not going to go back through that.

25 With respect to the performance rating

1 2020 when we implemented the annual pay review.

2 Q. Now, prior to the annual pay review
3 implementation but after the implementation of pay ranges
4 on September 1st, 2016, would an accurate definition of
5 lump sum amount be portion of the merit increase that is
6 above the maximum of the pay range?

7 A. So while that was the intent of lump sum
8 payment, that is not how they were always applied.

9 Managers could use discretion in how they allocated merit
10 increases, so they had the ability to give an increase to
11 base pay. The system allowed them to give a lump sum
12 payment or in some cases the employee could have gotten
13 an increase and a lump sum award.

14 Q. Now, under the annual pay review process, isn't
15 it possible that somebody could get a core pay increase
16 that would bring the employee up to the maximum of the
17 pay range and then also receive part of that core pay
18 increase as a lump sum?

19 A. Yes. It's more structured today.

20 Q. With respect to the 2X program, and we
21 discussed the 2X program somewhat last week, what was the
22 purpose of the 2X program?

23 A. So the 2X program was another opportunity for
24 managers to adjust employee's pay. There were several
25 items that we looked at in that, one of them being

1 Q. And how did the guidance change with respect to
2 promotion guidelines when Nike moved from -- moved into
3 APR?

4 A. So we shifted from a percent increase approach
5 to a focus on position in range.

6 Q. And that's what we discussed before, is that
7 correct, the Compa-ratio?

8 A. Yes, the Compa-ratio.

9 Q. And also with respect to slide 51 on Exhibit
10 500?

11 A. Slide 51 was not in reference to new hires,
12 promotions or lateral moves, but the guidance is in
13 Exhibit 500.

14 Q. Okay. Could you show me where in Exhibit 500
15 the guidance is?

16 A. So slide 41.

17 Q. Okay. It just takes me a second. And what is
18 the guidance on 41?

19 A. So for new hires, the guidance is to position
20 someone between 85 percent to the maximum of the pay
21 range. For promotions is to position 85 percent to 95
22 percent in the pay range. And for lateral moves it is
23 generally no increase.

24 But each individual situation needs to be
25 reviewed and may call for an increase, and our guidance

1 is that managers are responsible for making pay
2 adjustments and that all newly hired or promoted
3 employees should always be above the minimum of the pay
4 range.

5 Q. And I believe you testified that when we were
6 discussing Exhibit 549, that the factors for determining
7 when it was necessary to give a pay increase for a
8 lateral move, that those factors should remain constant
9 from the period prior to the annual pay review until
10 after the annual pay review; is that accurate?

11 A. I would say that the general concept of no
12 increase for a lateral move has carried forward, but the
13 individual factors I would say are not something that --
14 I mean, not that they don't apply, but it's not something
15 that we directly communicate.

16 Q. Mr. Walker, I'm going to show you a document
17 that's been marked as Exhibit 550 and it is entitled Job
18 Changes. It's an August 2017 document, Bates No. 2321.

19 (Deposition Exhibit No. 550 was marked for
20 identification.)

21 THE WITNESS: Okay. I have it open.

22 BY MR. BARRY GOLDSTEIN:

23 Q. Do you know who prepared this document, sir?

24 A. No.

25 Q. Would it have been prepared by the compensation

1 CERTIFICATE

2
3 STATE OF OREGON)
4) ss
5 COUNTY OF MULTNOMAH)
6
7
8

9 I, Teresa L. Rider, CRR, RPR, CCR, CSR, hereby
10 certify that said witness appeared before me via Zoom at
11 the time and place set forth in the caption hereof; that
12 at said time and place I reported in stenotype all
13 testimony adduced and other oral proceedings had in the
14 forgoing matter; that thereafter my notes were
15 transcribed through computer-aided transcription, under
16 my direction; and that the foregoing pages constitute a
17 full, true and accurate record of all such testimony
18 adduced and oral proceedings had, and the whole thereof.

19 I further certify review of the transcript was
20 not requested.

21 Witness my hand at Portland, Oregon, this 29th
22 day of December 2020.
23
24
25

Teresa L. Rider
Oregon CSR No. 12-0421
Washington CCR No. 2119
Expires 12-03-23


Cahill, et al v. Nike**Shane Walker Deposition Errata**

Page: Line	Reads	Should Read	Reason
8:1	"Mr. Benton"	"Mr. Vinton"	To correct a transcription error
9:3	"community resource officer"	"Chief Human Resource Officer"	To correct a transcription error
11:20	"I lead our enroll programs"	"I lead our annual programs"	To correct a transcription error
21:7	"Mr. Benton"	"Mr. Vinton"	To correct a transcription error
25:12	"OSA"	"FLSA"	To correct a transcription error
25:16	"OSA"	"FLSA"	To correct a transcription error
29:23	"footwear, a partial"	"footwear, apparel"	To correct a transcription error
52:21-22	"cover things like spoken impact, communication influence and knowledge and experience"	"cover things like scope and impact, communication, influence, and knowledge and experience"	To correct a transcription error
71:20	"Bradford"	"Radford"	To correct a transcription error
86:11	"hot lip"	"Outlook"	To correct a transcription error
124:18	"shows the new from market zones"	"shows the move from market zones"	To correct a transcription error
137:14	"Deloit"	"Deloitte"	To correct a transcription error
140:20	"Anybody of a direct report"	"Anybody with a direct report"	To correct a transcription error
144:12		Add: Note that during the second day of the deposition I identified a number of documents using the term "decisions."	To account for later testimony
162:14-15	"when we hold the RS pay review that is to provide pay adjustments at employees"	"when we hold the 2X pay review that is to provide pay adjustments for employees"	To correct a transcription error
167:22	"David Eric"	"David Ayre"	To correct a transcription error
175:2-3	"they would need an increase to get into that pay range"	"they would not need an increase to get into that pay range"	To correct a transcription error
198:18	"Mr. Benton"	"Mr. Vinton"	To correct a transcription error

227:14	"refers to four stock awards"	"refers to our stock awards"	To correct a transcription error
229:12	"additional words"	"additional awards"	To correct a transcription error
275:6	"for the role-out"	"for the rollout"	To correct a transcription error
322:19	"in 20719"	"in 2019"	To correct a transcription error
325:25-326:1	"And it did mean that somebody couldn't exceed"	"And it did not mean that somebody couldn't exceed"	To correct a transcription error
328:21	"Yes, merit increase guidelines is part of GPR."	"Merit increase guidelines were a part of GPR, but GPR is not current practice."	To conform to the facts, consistent with other testimony
328:25-329:1	"So the merit increase guidelines in current practice would have been partially based on CFE rating."	"So the merit increase guidelines in GPR would have been partially based on CFE ratings."	To conform to the facts, consistent with other testimony
410:11-12	"As stated on the slide, 2 percent. That was not always the rule."	"As stated on the slide, the guidance for VALUES band was 5 to 20 percent. That was not always the rule."	To conform to the facts, consistent with other testimony
421:20	"looking at the low"	"looking at below"	To correct a transcription error
447:9	"composition experts"	"compensation experts"	To correct a transcription error
472:6-7	"we made other results public"	"we made our results public"	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: February 11, 2021

DocuSigned by:

 5B97C30509694BB... Shane Walker

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, Case No.: 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on
behalf of others similarly
situated,
Plaintiffs,
v.
NIKE, INC., an Oregon Corporation,
Defendant.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
JESSICA L. WESTERHOF
Ann Arbor, Michigan
Wednesday, April 21, 2021
Volume 1

Reported by:
LESLIE JOHNSON
RPR, CCRR, CSR No. 11451
Job No.: 4514710
PAGES 1 - 282

Page 1

1 Q Sorry about that. Okay. 05:04:38

2 A But, yes, I see that.

3 Q Okay. Great.

4 And is January 8, 2016 the approximate

5 date when you started as a Nike employee? 05:04:59

6 A Yes. As a full-time Nike employee.

7 Q Okay. When you were hired by Nike,
8 correct?

9 A Well, it looks like it says my start date
10 is January 25th for that role. But I was notified 05:05:13

11 actually about that role in December of 2015, but it

12 didn't get -- I guess, like, go through the

13 paperwork and actualized until I got this letter on

14 January 8th letting me know that my start date would

15 be the 25th. 05:05:35

16 Q Okay. And let's see. So the second
17 sentence on Exhibit 212, it states, "We're pleased
18 to confirm your acceptance of Nike's offer for the
19 position of assistant buyer - FBTL."

20 Do you see that? 05:06:01

21 A Yes.

22 Q Okay. And is assistant buyer FBTL the
23 position that you actually started in when you were
24 hired at Nike as a full-time employee in or around
25 January 2016? 05:06:20

1 A Yes. 05:06:29

2 Q And was this a role that you had applied
3 for?

4 A No. I actually believe I did apply for
5 it -- sorry -- formally. Sorry. I like -- I did 05:06:39
6 formally and legally apply for the position. I know
7 I did that. I was -- the position was created, and
8 I was selected for that -- this new open position of
9 an assistant buyer. Assistant buyer roles didn't
10 exist prior to -- in the reorg or prior to this, 05:07:01
11 yeah, reorg.

12 And I -- sorry. And the question was, was
13 this the -- sorry. What was -- I know I'm getting
14 somewhere with this, but I forgot what the exact
15 question was. 05:07:20

16 Q So I just asked if you had applied for
17 this role of assistant buyer --

18 A Oh, right.

19 Q -- FBTL.

20 A I know I did legally apply for it. I was 05:07:26
21 offered it when it became available. And then once
22 it actually was posted online, I was notified that
23 it was so that I could, like, formally and properly
24 apply for it through the website.

25 Q So you submitted an online application for 05:07:47

1 this role -- 05:07:49

2 A Correct.

3 Q -- to the best of your recollection?

4 Okay. And then were you interviewed for

5 the role before -- 05:07:54

6 A No.

7 Q -- you received this offer?

8 Okay. And let's see. So the title that's

9 reflected there in that second sentence, FBTL, does

10 that stand for football -- 05:08:10

11 A It actually stands for --

12 Q -- or what does it stand for?

13 A At the time -- because it changed a lot

14 when I was there. So I believe it stood for

15 football, baseball, team and licensed. 05:08:22

16 Q Okay. And do you know who made the

17 decision to offer you the position?

18 A No.

19 Q Okay. So, if you look at the third

20 paragraph on Exhibit 212, it says "As an exempt 05:09:02

21 employee not eligible for overtime, we are offering

22 you an analyzed salary of \$46,000."

23 Do you see that?

24 A Yes.

25 Q And was \$46,000 your actual starting 05:09:15

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REPORTER'S CERTIFICATION

I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:

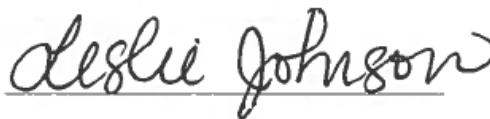
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: May 11, 2021

A handwritten signature in cursive script that reads "Leslie Johnson". The signature is written in dark ink and is positioned above the printed name.

LESLIE JOHNSON

CSR No. 11451, RPR, CCRR

Page 282

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: April 21, 2021


Deponent: Jessica Westerhof

Page	Line(s)	Reads	Should Read	Reason
25	25	I don't know approximately,	I don't know exactly,	To correct an inadvertent error
28	15	I don't know approximately,	I don't know exactly,	To correct an inadvertent error
49	15	Not approximately,	Not exactly,	To correct an inadvertent error
56	5	ultimatum for my future employment	ultimatum and threat to my future employment	To clarify and provide additional details
59	21	Yes.	Ms. Haas worked at Nike's European Headquarters when I had this conversation with her.	To correct an inadvertent error
81	21	comparison	comparable	To correct an inadvertent error
100	7-9	I don't know, actually, if he did – if they knew that he did that. He called them that, sorry.	I don't know whether those three knew that Jeremy called them that.	To clarify and provide additional details
102	10	Cascarelli	Cafarelli	To correct a transcription error
126	3	John Cusick	Sean Cusick	To correct a transcription error
128	8	assistant buyer associate merchant	associate merchant from assistant buyer	To clarify and provide additional details
129	3	Williams	Whaling	To correct a transcription error
140	2	Kyla Curatolo	I believe that Kyla Curatolo was offered an assistant buyer position, but she instead took a digital coordinator position.	To clarify and provide additional details
140	6	I forgot about Cynthia	I forgot about Cynthia, and Debby Plenert also became an assistant buyer from previously being a buying coordinator.	To clarify and provide additional details
147	24	got move involved	got more involved	To correct a transcription error
172	21	Pavin	Pawan	To correct a transcription error
173	14	Molly	Mollie	To correct a transcription error
189	25	Yeah. The other assistant buyers.	Yeah, except Kyla Curatolo, since she instead took a digital coordinator position. So	To clarify and provide additional details

			the peers I'm referring to are the other assistant buyers.	
190	8	not worthy	less prestigious	To clarify and provide additional details
190	8-9	but they were worth more,	but they were more prestigious,	To clarify and provide additional details
209	18-20	anyone who was an associate merchant or who would be a buying coordinator as well.	anyone who was an associate merchant, digital site coordinator, or who would be a buying coordinator as well.	To clarify and provide additional details
210	13	Molly	Mollie	To correct a transcription error
212	7	Molly	Mollie	To correct a transcription error
214	9	Molly	Mollie	To correct a transcription error
221	7-8	I don't feel like I was getting not only paid fairly,	I not only felt I was not getting paid fairly,	To correct an inadvertent error and clarify
257	13	Tanya Harding [sic]	Tanya Morning	To correct a transcription error
261	15	that it did it appear that I was getting paid a	that it did appear I was getting paid a	To correct a transcription error and clarify
262	21	stood me apart from them. So . . .	made me stand out from others who were doing the same work as me but getting paid more than me.	To clarify and provide additional details

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on June 8, 2021 in Washtenaw County, Ann Arbor, Michigan

DocuSigned by:

A4F0BC493E34462...

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, et al.,
individually and on behalf
of others similarly situated, No.
 Plaintiffs, 3:18-cv-01477-JR
 v.
NIKE INC., an Oregon
Corporation,
 Defendant.

REMOTE VIDEOCONFERENCE 30(b)(6) DEPOSITION OF
SHELLI WHITE
Taken in behalf of Plaintiffs
January 29, 2021

1 A. Yes. That was, I was a senior compensation
2 consultant.

3 Q. Were you in the L band?

4 A. No. That was a U band position.

5 Q. When you went from compensation -- So you went
6 from senior compensation consultant to senior
7 executive compensation consultant?

8 A. Yes.

9 Q. Okay. Is that your complete job history at
10 Nike?

11 A. Yes.

12 Q. All right. Thank you. Can you just briefly
13 tell me your education history, you know,
14 what -- Did you go to college, postgraduate
15 school, any degrees you have?

16 A. I have a bachelor's degree in business.

17 Q. In business. Okay. So you helpfully already
18 did some of what I wanted to get into first,
19 which was get an overview of all the various
20 incentive pay programs at Nike. You made quick
21 work of that in the beginning, but just to
22 confirm, there's an annual cash bonus at Nike
23 that is called the Performance Sharing Plan; is
24 that right?

25 A. Yes.

1 Q. And that's, that reminds me. It's another
2 admonition, which is because we have a court
3 reporter, we have to say "yes" or "no." You
4 know, often we're just nodding our heads in
5 normal conversation, but here we have to say
6 "yes" or "no" to answers (sic). Is that okay?

7 A. Yes. I understand.

8 Q. Okay. What is the eligibility currently for the
9 Performance Sharing Plan?

10 A. The current eligibility through the Performance
11 Sharing Plan is employees who are in bands V all
12 the way through the CEO. So V, A, L to U, E, S
13 and all of our executive population, E7 and
14 above. They cannot have a performance rating of
15 unsatisfactory. They need to be employed on
16 May 31st. That's the last day of the annual
17 performance period. They cannot be terminated
18 for a performance issue or a violation of
19 company rules prior to the payout, which is, the
20 payout is in August, and they can't be
21 participating in another bonus plan. So we have
22 retail bonus plans. So if they're participating
23 in one of those, they're not eligible for PSP.

24 Q. Other than the Performance Sharing Plan, are
25 there any other annual cash bonuses for

1 is, how do you know what it rolls up to next for
2 the PSP budget during GPR?

3 A. Employees who are in the same group generally
4 are in the same cost center, report to the same
5 leader. And so I don't know the back end
6 workings of the mePortal, but employees are
7 grouped together for a manager to make their
8 recommendations and that goes to the manager
9 plus one. So it follows the reporting
10 relationship. And so that budget would roll up
11 to the manager plus one. Do you know what I
12 mean when I say "manager plus one"?

13 Q. Yes. The next level; right?

14 A. Yes.

15 Q. Okay. Now, so after manager plus one there was
16 additional business leader review of PSP awards
17 during fiscal years 2015, 2016 and 2017. Is
18 that right?

19 A. There was -- I don't know how every business
20 unit managed that. I know in the mePortal that
21 the manager entered the recommendation. The
22 manager plus one had to approve that
23 recommendation and the expectation was that each
24 business unit would stay within their PSP
25 budget. So it was the responsibility of the

1 business unit leaders to stay within their
2 budget.

3 Q. Okay. So let's say it's an E band who has an S
4 band direct supervisor. That S band direct
5 supervisor would make a recommendation about the
6 E band; is that right?

7 A. Yes.

8 Q. And this is during GPR. Then that would go up
9 to let's say that that S band has a direct
10 reporting line to an E7 band. That would, the
11 recommendation about the E band would go to the
12 E7; is that correct?

13 A. Yes. For approval.

14 Q. Okay. And it would then roll up to higher
15 levels of the organization; isn't that right?

16 A. They would have visibility into the
17 recommendations that had been made and approved.

18 Q. Yes. And they can make changes; right? Each --
19 So after E, the E7 made, either did or did not
20 make a change, then people above E7 who that E7
21 reported to could make changes if they wanted
22 to; is that right?

23 A. I don't recall system wise. I know at, there
24 was a period of time where if a higher level
25 leader didn't approve of the, you know, after it

1 Under -- Near the top where it says, do you
2 see where it says "Nike's Performance Sharing
3 Plan PSP is," and then the first bullet point
4 is, "an important part of your Total Rewards
5 package at Nike." Is that an accurate
6 statement?

7 A. Yes. I see it. And yes, that's accurate.

8 Q. If you turn to the second page, 19412, do you
9 see where it says "How PSP Works"?

10 A. Yes.

11 Q. And you see where next to that it says, "Getting
12 to the award"?

13 A. Yes.

14 Q. And it looks like there's two things that create
15 the PSP award pool. Those two things are Nike
16 performance measures and team performance
17 measures; is that accurate?

18 A. Yes.

19 Q. And it's also accurate that the PSP award pool
20 is split into two shares that are each
21 50 percent, one is called the team share, one is
22 called the discretionary share. Is that
23 accurate? And then combining those two shares,
24 you get to the final PSP award.

25 A. Yes. And this would describe how the plan

1 worked from the period of 2015 through 2017.

2 Q. Thank you. And as we talked about before, the
3 target share per band shown at the top of this
4 page was the same for fiscal years '15 through
5 fiscal year '17?

6 A. Yes. I believe these, yeah. Yes, these were.

7 Q. I'm going to introduce two exhibits that I think
8 will help us get through the calculation of PSP
9 more quickly, and those are exhibits, those will
10 be Exhibit 599 and 600. And those are -- Sorry.
11 One moment, Shelli.

12 So 599 will be NIKE_00015413. And strike
13 that. I'll just do Exhibit 599 because I think
14 we can get through it with just that.
15 Exhibit 600 will be something else later.

16 (Exhibit 599 marked for identification.)

17 Q. BY MR. BYRON GOLDSTEIN: So let me know when you
18 have that open.

19 A. I have it open.

20 Q. Okay. Thanks. Can you turn to the second page.
21 And you see this is titled "Personal pay
22 statement." And under where it says "Rewards"
23 you see, "Your performance awards for FY17."
24 Based on the format and personal pay statement
25 and the year, does this, do you believe this

1 document is a personal pay statement for a Nike
2 employee of fiscal year '17?

3 A. Yes. It looks to be that. Yes.

4 Q. And then if you go to the bottom of it, do you
5 see where it says "PSP calculation"?

6 A. Yes.

7 Q. And see the team award is on the left and on the
8 right is discretionary award? Do you see that?

9 A. I do.

10 Q. And you also see that the five factors under the
11 team award are also included under the
12 discretionary award?

13 A. Yes.

14 Q. It says the five factors are "Plan," one; the
15 second one is "Time and Plan." The third one is
16 "Weighted Achievement." The fourth one is
17 "Fiscal Earnings." The fifth one is "One-Half
18 Band Target." Do you see that?

19 A. Yes.

20 Q. Okay. And all five of those are in the
21 discretionary award. And the discretionary
22 award has a sixth factor, which is called
23 performance modifier. Do you see that?

24 A. Yes.

25 Q. Okay. Now, is this formula for PSP calculation,

1 this is the same formula that Nike used for
2 employees in bands L through S from fiscal year
3 '15 through fiscal year '18?

4 A. It's the calculation that was used for the
5 awards in 2015, 2016 and 2017. I just want to
6 make sure we're talking about the same time
7 periods. And in 2000 -- I want to make sure.

8 Q. Shelli, why don't we do this, why don't we --
9 So, why don't we do this: I'll make it so you
10 don't have to -- We'll get to that in a second.
11 So, but for now you can confirm that this is the
12 same PSP calculation that was used for employees
13 in band L through S at Nike World Headquarters
14 for fiscal years 2015, 2016 and 2017?

15 A. Yes, and 2018.

16 Q. And 2018.

17 A. Yes.

18 Q. Okay. Thank you. So the first factor is
19 called -- is plan. And in this particular pay
20 statement it says, INC. Can you tell me what
21 the factor plan means in this, in PSP
22 calculations?

23 A. This identifies the plan that an employee was
24 on. So INC or I N C, we would call that the INC
25 Plan or the Nike INC plan.

1 Q. And was there more than one plan for employees
2 at Nike World Headquarters in band L through S
3 at any point in fiscal years 15 through 2018?

4 A. Yes.

5 Q. Approximately how many different plans were,
6 existed for employees at Nike World Headquarters
7 in band L through S in, say, fiscal year 2017?

8 A. In 2017 I believe we had about 18 plans.

9 Q. And how does the particular plan impact the PSP
10 calculation?

11 A. The individuals -- Sorry. I lost the exhibit.

12 Q. That's okay. Take your time.

13 A. Will you ask your question again, please?

14 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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5 Q. Okay. Before we get off of this Exhibit 599,
6 you see below Performance Sharing Plan there's
7 something called the Profit Sharing Plan? Do
8 you see that?

9 A. I do.

10 Q. What is the Profit Sharing Plan?

11 A. The Profit Sharing Plan is part of our
12 retirement program. So that falls under the
13 purview of our benefits team. And it's a -- I'm
14 not an expert on that plan, but it's a
15 contribution that Nike sometimes makes on an
16 annual basis to employees' retirement accounts.

17 Q. Okay. Thank you. Do you know how they
18 calculate Profit Sharing Plan in any --

19 A. Not enough to speak about it.

20 Q. Okay. Thank you. And thank you for letting me
21 know that you're not sure.

22 The next exhibit will be Exhibit 600, and
23 that will be NIKE_1900019405.

24 (Exhibit 600 marked for identification.)

25 Q. BY MR. BYRON GOLDSTEIN: Just let me know when

1 cash annual bonuses. Is that fair to say?

2 MS. DAVIS: Objection; misstates the
3 testimony, asked and answered.

4 Q. BY MR. BYRON GOLDSTEIN: I'm sorry, Shelli. Are
5 you waiting for me?

6 A. I'm looking through this document so I can be
7 clear about what the difference is here, and
8 I -- This...

9 Q. Why don't we move on and we'll try it with some
10 other documents. Okay?

11 A. Okay.

12 Q. Going back to Exhibit 599, and the plan says INC
13 here. So how were employees placed in one plan
14 versus another plan from the PSP calculation
15 during fiscal years '15 through 2018?

16 MS. DAVIS: Asked and answered.

17 Go ahead.

18 THE WITNESS: It was based on their cost
19 center.

20 Q. BY MR. BYRON GOLDSTEIN: Okay. In fiscal year
21 2017, approximately how many cost centers were
22 there at Nike World Headquarters?

23 A. I, I don't know.

24 Q. Is it fair to say there was a lot --

25 A. Yes.

1 Q. -- of cost centers?

2 A. Yes.

3 Q. So there was, I believe you said there was 18
4 plans in fiscal year '17. So those ultimately
5 associated with 18 different cost centers; would
6 that be accurate?

7 A. There were 18 plans. There -- When we talk
8 about a lot of cost centers, I don't know --
9 There are at least hundreds of cost centers. I
10 don't know if it, if it exceeds into the
11 thousands. I don't. But it's at least hundreds
12 of cost centers. Those different cost centers
13 roll into the different plans.

14 Q. Is there -- So to make these calculations, Nike
15 must have a document that says which cost
16 centers were included in which PSP plan --

17 A. We would have had that at the time to know who,
18 which cost centers were part of which plans or
19 we would have -- the cost centers, the cost
20 center is the -- at the most granular level, and
21 that rolls up into different groupings. As I
22 mentioned the example I'm in global
23 compensation, which rolls up into Total Rewards,
24 which rolls up into human resources. And I
25 don't remember how many layers there are for me

1 A. Yes.

2 Q. And so there might have been plans or there were
3 plans that had a higher weighted achievement in
4 fiscal year 2017, for example, than the INC
5 Plan; right?

6 A. It's possible. I don't remember how each plan
7 achieved, but the other plans would have had
8 different achievement percentages.

9 Q. Well, let's say, for example, a plan had a
10 hundred percent weighted achievement in fiscal
11 year 2017, a different plan than the main plan.
12 That would have had a significant impact on the
13 PSP calculations?

14 A. It would have been 100 instead of 58.29 in this
15 calculation if a plan had achieved at a hundred
16 percent.

17 Q. So it would have been higher than the
18 calculation shown here if this employee was in a
19 different plan?

20 A. If that plan achieved higher than this, yes.

21 Q. And each of those plans' weighted achievement is
22 calculated pursuant to a specific formula?

23 A. It's based on the EBIT target set at the
24 beginning of the plan year.

25 Q. So the next factor is "Time in Plan." Can you

1 Q. So fiscal earnings, the amount, if you were a
2 salaried employee of your base pay for the
3 fiscal year, that has been a factor in the PSP
4 calculations since at least 2015 through the
5 present?

6 A. Yes.

7 Q. Same question for band target. That's been a
8 factor in the PSP calculation from at least 2015
9 through the present?

10 A. Yes.

11 Q. And as you, I believe you testified before, but
12 please correct me if I get it wrong, the targets
13 by band have remained the same from 2015 to the
14 present?

15 A. Yes.

16 Q. Okay. And so the remaining factor, we've talked
17 about five factors in the team award and the
18 five factors, five out of six factors in the
19 discretionary award, the remaining factor is
20 "Performance Modifier"?

21 A. Yes.

22 Q. What is the "Performance Modifier"?

23 A. The performance modifier is the discretionary
24 amount that a manager from 2015, in 2015, 2016,
25 2017 and 2018, the manager could apply or choose

1 a performance modifier.

2 Q. When we've been using the word "Manager" today,
3 manager could be any employee who has at least
4 one direct report?

5 A. What I'm referring to in this case, it's the
6 employee's direct manager who's making the
7 initial recommendation for the individual
8 modifier.

9 Q. And so, and if you look at Exhibit 598, fiscal
10 year '17 brochure, PSP brochure, you see CFE
11 discretionary modifier guidelines?

12 A. Yes.

13 Q. Okay. I'm going to introduce Exhibit 601 as
14 NIKE_00013312.

15 (Exhibit 601 marked for identification.)

16 MR. BYRON GOLDSTEIN: Exhibit 602 will be
17 NIKE_00030254.

18 (Exhibit 602 marked for identification.)

19 Q. BY MR. BYRON GOLDSTEIN: Let me know when you
20 have -- We can look at 601 first.

21 A. I have 601 open.

22 Q. Okay. Nike metadata says this is titled, (02)
23 FY18 PSP brochure, created on August 29, 2017,
24 last modified August 16, 2018. Do you recognize
25 this as the fiscal year '18 PSP brochure?

1 A. Yes.

2 Q. And then 602 at Nike Bates number 00030254, the
3 file name PSP Brochure, created and last
4 modified October 27, 2015. Do you recognize
5 this as the fiscal year 2016 PSP brochure?

6 A. Yes.

7 Q. And if you look at all three of these brochures,
8 fiscal years '16, '17 and '18, so Exhibit 602,
9 601 and 598, do you see that each has a table
10 listing CFE discretionary modifier guidelines?

11 A. Yes. And that was 601, 602 and I'm sorry. The
12 other exhibit was? I have got a lot open.

13 Q. It's okay. 598.

14 A. Yes. Yes. I see that all three have that
15 section.

16 Q. And all three have the same CFE ratings
17 beginning at the highest as "Exceptional,"
18 "Highly Successful," "Successful,"
19 "Inconsistent," "Unsatisfactory," and then at
20 the bottom "Too New to Rate"?

21 A. Yes.

22 Q. And all three of them for fiscal years '16, '17
23 and '18 have the same exact ranges for
24 performance modifier corresponding to each of
25 those ratings?

1 A. Yes.

2 Q. Thank you. And the CFE ratings, those have been
3 done on an annual basis from at least fiscal
4 year 2015 to the present?

5 A. Yes.

6 Q. And the definition of each of those ratings has
7 been the same from at least fiscal year 2015 to
8 the present?

9 MS. DAVIS: May call for speculation,
10 outside the scope of the witness's deposition --
11 Sorry -- Outside the scope of the topics on
12 which the witness was designated to testify.

13 If you know, you can answer.

14 THE WITNESS: I don't know if the
15 definitions have changed. I'm...

16 Q. BY MR. BYRON GOLDSTEIN: Exhibit 603 is
17 NIKE_0002617. And the Nike metadata says this
18 is titled "CFE collection FAQ-EN-April 2016,"
19 created and last modified as April 25th, 2016.

20 (Exhibit 603 marked for identification.)

21 Q. BY MR. BYRON GOLDSTEIN: Do you recognize this
22 as a Nike HR document?

23 A. Yes.

24 Q. And you see there's definitions of the ratings
25 for fiscal year 2016?

1 A. Yes.

2 Q. And based on the performance modifier input in
3 the PSP calculation, that was there from fiscal
4 year 2015 to fiscal year, through fiscal year
5 2018, your CFE rating impacted the size of your
6 PSP award?

7 A. It was a, there were guidelines given to
8 managers in making that discretionary decision.
9 So the guidelines were associated with the CFE
10 rating. So based on the CFE rating, there was a
11 suggested guideline.

12 Q. The higher your rating, the higher the range for
13 your PSP modifier; right?
rating

14 A. The higher the ~~range~~, the higher the guideline.

15 Q. One moment. So I'm going to introduce as
16 Exhibit 604, NIKE_00030271.

17 (Exhibit 604 marked for identification.)

18 THE WITNESS: I have the document open.

19 Q. BY MR. BYRON GOLDSTEIN: Okay. So on the three
20 of three page NIKE_30273, do you see the last
21 question, "How do I determine the appropriate
22 discretionary share performance modifier?"

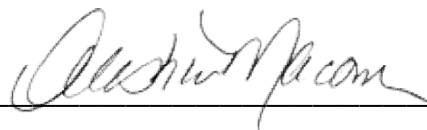
23 A. Yes. I see that question.

24 Q. And answer, "Use the guidelines provided for
25 performance modifiers. Within these guidelines

C E R T I F I C A T E

I, Aleshia K. Macom, Oregon CSR No. 94-0296, Washington CCR No. 2095, California CSR No. 7955, RMR, CRR, RPR, do hereby certify that SHELLI WHITE remotely appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, pages 1 to 235, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 11th day of February, 2021.



Aleshia K. Macom

OR CSR No. 94-0296, Expires 9-30-2023

WA CCR No. 2095, Expires 7-7-2021


CA CSR No. 7955, Expires 7-7-2021

Cahill, et al v. Nike**Shelli White Deposition Errata**

Page: Line	Reads	Should Read	Reason
12:23	"Yes. Approximately June 2020."	"Yes. Approximately June 2019."	To conform to the facts
97:4	"I don't know."	"I don't know, other than the names I have already provided."	To reflect prior consistent testimony mischaracterized by counsel
101:6	"Then I don't know."	"Then I don't know, other than the names I have already provided."	To reflect prior consistent testimony mischaracterized by counsel
128:14	"The higher the range, the higher the guideline."	"The higher the rating, the higher the guideline."	To correct a transcription error

I attest that the above-referenced changes are true and correct.

Date: March 22, 2021

DocuSigned by:

 F8DEB74ECF524EA... Shelli White